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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/221,541	08/04/2008	Parke A. Rublee	39892-354083	1617

7590 09/01/2011  
KILPATRICK TOWNSEND & STOCKTON LLP  
1001 WEST FOURTH STREET  
WINSTON-SALEM, NC 27101

EXAMINER

CROW, ROBERT THOMAS

ART UNIT PAPER NUMBER

1634

MAIL DATE DELIVERY MODE

09/01/2011

PAPER

**ACKNOWLEDGEMENT OF REQUEST**

*Notice of Allowance/Allowability Mailed*

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

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



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September 1, 2011

KILPATRICK TOWNSEND & STOCKTON LLP  
1001 WEST FOURTH STREET  
WINSTON-SALEM NC 27101

In re Application of :  
Parke A. Rublee et al. : **DECISION ON PETITION**  
Application No. 12221541 :  
Filed: 08/04/2008 : **ACCEPTANCE OF COLOR**  
Attorney Docket No. 39892-354083 : **DRAWINGS**

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) August 4, 2008.

The petition is **GRANTED**.

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

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

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

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

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



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KEVIN L. RUSSELL  
CHERNOFF, VILHAUER, MCCLUNG & STENZEL LLP  
1600 Odstower  
601 SW Second Avenue  
Portland OR 97204

**MAILED**  
**OCT 05 2010**  
**OFFICE OF PETITIONS**

In re Application of :  
Scott J. Daly, et al. :  
Application No. 12/221,584 : **DECISION ON PETITION**  
Filed: August 5, 2008 :  
Attorney Docket No. SLA1475.1 (7146.0545) :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 23, 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 30, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned at midnight March 30, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1,620.00, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3213.

This application is being referred to Technology Center AU 2624 for appropriate action by the Examiner in the normal course of business on the reply received August 23, 2010.

*Cheryl Gibson-Baylor*  
Cheryl Gibson-Baylor  
Petitions Examiner  
Office of Petitions



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OCT 26 2010

**OFFICE OF PETITIONS**

**ARNOLD & KNOBLOCH, L.L.P.**  
**4900 Woodway Dr., Suite 900**  
**HOUSTON TX 77056**

In re Application of :  
Nolan C. Lerche, et al. :  
Application No. 12/221,611 : **DECISION ON PETITION**  
Filed: August 5, 2008 :  
Attorney Docket No. T32440USCIP :

This is a decision on the request for reinstatement, filed June 9, 2009 and resubmitted on August 27, 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 properly respond to the Notice of Missing Parts mailed August 27, 2008, which set a two (2) month shortened statutory period for reply or with a request for a two (2) month extension under 37 CFR 1.36, a reply was due on or before December 27, 2008. A Notice of Abandonment was mailed May 4, 2009.

Petitioner states that a timely reply was mailed via certificate of mailing on December 19, 2008, which included the following papers: response to Notice of Incomplete reply, replacement drawings, request for two month extension of time, PTO-2038 authorizing a charge of \$360 for extension of time request and a copy of the Notice of Incomplete Reply of December 16, 2009. Petitioner has submitted a copy of the previously mailed correspondence, which bears a certificate of mailing dated December 19, 2008, which would have rendered the reply timely if received.

The file record does not include the originally submitted papers. Failure to receive correspondence which includes a certificate of mailing or certificate of facsimile transmission is addressed in 37 CFR 1.8(b), reproduced below:

In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received

in the U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to be abandoned, or after the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

- (1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;
- (2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and
- (3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

The petition satisfies the above requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment for failure to timely file a reply to the Notice of August 27, 2008, 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 December 19, 2008.

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

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received with petition.

*/Ramesh Krishnamurthy/*

Ramesh Krishnamurthy  
Petitions Examiner  
Office of Petitions

cc: **ARNOLD & KNOBLOCH, L.L.P.**  
**2401 Fountain View, Suite 630**  
**Houston, TX 77057**



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/221,634	08/05/2008	Senglee Foo	PWV1.PAU.185	2850
95250	7590	03/25/2011	EXAMINER PHAN, THO GIA	
David L. Henty OC Patent Law Group P.O. Box 3529 Newport Beach, CA 92659			ART UNIT 2821	PAPER NUMBER
			MAIL DATE 03/25/2011	DELIVERY MODE PAPER

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

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



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David L. Henty  
OC Patent Law Group  
P.O. Box 3529  
Newport Beach, CA 92659

In re Application of: Senglee Foo	:	
Serial No.: 12/221,634	:	
Filed: August 5, 2008	:	
For: Dual Polarization Antenna Element With	:	
Dielectric Bandwidth Compensation and	:	
Improved Cross-Coupling	:	

DECISION *SUA SPONTE*  
WITHDRAWING HOLDING  
OF ABANDONMENT

This is a decision, *sua sponte*, withdrawing the holding of abandonment of the above-identified application.

The application was held abandoned and a Notice of Abandonment was mailed on February 25, 2011 because no reply to the Non-Final Rejection dated August 20, 2010 had been received.

A review of the record reveals that the Non-Final Office action was mailed on August 20, 2010. A Response to the Non-Final Office action was entered on February 23, 2011 with a Certificate of Transmission under 37 CFR 1.8 dated February 18, 2011, along with an extension of time of three months with the requisite fee. Therefore, the Non-Final Office action was timely filed; as such, the holding of the instant application as abandoned was improper.

Although no petition or request to withdraw the holding of abandonment in this application has been filed, the Notice of Abandonment is hereby vacated; the holding of abandonment is withdrawn and the application restored to pending status. The application is being forwarded to Examiner for examination in due course.

Any inquiry regarding this decision should be directed to Hien H. Phan, Quality Assurance Specialist, at (571) 272-1606.



John W. Cabeca, TC Director  
Technology Center 2800  
Semiconductors, Electrical and Optical  
Systems and Components



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Docket Administrator - Room 3D-201E  
Alcatel-Lucent USA Inc.  
600-700 Mountain Avenue  
Murray Hill NJ 07974

**MAILED**

**MAY 09 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Lutz Ewe, et al. :  
Application No. 12/221,640 : **ON PETITION**  
Filed: August 5, 2008 :  
Attorney Docket No. Ewe- 1-1 :

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

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of July 12, 2010. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is October 13, 2010. The Notice of Abandonment was mailed February 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 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) 272-2991.

This application is being referred to Technology Center AU 2464 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

/Terri Johnson/  
Terri Johnson  
Petitions Examiner  
Office of Petitions

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (05-10)

Approved for use through 01/31/2011. OMB 0651-0062  
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

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

### PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: <b>02-0522</b>	Application Number (if known): <b>12/221,648</b>	Filing date: <b>08/05/2008</b>
--	--	--------------------------------

First Named Inventor: **Da LIU**

Title: **Driving Circuit for Powering Light Sources**

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

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

1. By filing this petition:

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

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

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

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

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

6. Other attachments: \_\_\_\_\_

Signature **/James P. Hao/**

Date **10/22/2010**

Name (Print/Typed) **James P. Hao**

Registration Number **36398**

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

\*Total of \_\_\_\_\_ forms are submitted.

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

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



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/221,648	08/05/2008	Da Liu	0522	1673
71271	7590	10/27/2010	EXAMINER	
PATENT PROSECUTION			OWENS, DOUGLAS W	
O2MIRCO, INC.			ART UNIT	PAPER NUMBER
3118 PATRICK HENRY DRIVE			2821	
SANTA CLARA, CA 95054			MAIL DATE	DELIVERY MODE
			10/27/2010	PAPER

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

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



PATENT PROSECUTION  
O2MIRCO , INC.  
3118 PATRICK HENRY DRIVE  
SANTA CLARA CA 95054

In re Application of :  
LIU et al. : DECISION ON PETITION  
Application No. 12/221,648 : TO MAKE SPECIAL UNDER  
Filed: August 05, 2008 : THE GREEN TECHNOLOGY  
Attorney Docket No. 0522 : PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on October 22, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010).

The petition is **GRANTED**.

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

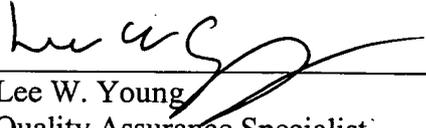
In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special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

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

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

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

The application is being forwarded to the Technology Center Art Unit 2821 for action in its regular turn.

  
\_\_\_\_\_  
Lee W. Young  
Quality Assurance Specialist  
Technology Center 2800



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/221,673	08/04/2008	Yousuke Hattori	4041J-001495	2508
27572	7590	06/14/2011	EXAMINER	
HARNES, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303			HOLCOMB, MARK	
			ART UNIT	PAPER NUMBER
			3686	
			MAIL DATE	DELIVERY MODE
			06/14/2011	PAPER

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

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JUN 14 2011

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

In re application of: : **DECISION ON REQUEST TO**  
HATTORI, Yousuke, et al. : **PARTICIPATE IN PATENT**  
Application No.: 12/221,673 : **PROSECUTION HIGHWAY**  
Filed: August 4, 2008 : **PROGRAM AND PETITION**  
For: POSITION CORRECTION APPARATUS : **TO MAKE SPECIAL UNDER**  
: **37 C.F.R. 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 C.F.R. § 1.102(d), filed March 25, 2011, to make the above-identified application special.

The request and petition are **DENIED**.

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

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest Office action from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; 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 does not meet the above requirements in that, with regard to item (4) above, examination of the U.S. application has already begun. Note the U.S. Office action mailed May 13, 2011.

No time period for reply to this decision is available since the issue outlined above cannot be remedied.

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

Any inquiry regarding this decision should be directed to Robert Weinhardt, Business Practice Specialist, at (571) 272-6633.



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Robert Weinhardt  
Business Practice Specialist  
Technology Center 3600

RW/6/13/10



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/221,674	08/04/2008	Tatsuya Watanabe	4041J-001485	2510

27572                      7590                      03/01/2011  
HARNES, DICKEY & PIERCE, P.L.C.  
P.O. BOX 828  
BLOOMFIELD HILLS, MI 48303

EXAMINER

JENKINS, JERMAINE L

ART UNIT	PAPER NUMBER
2855	

MAIL DATE	DELIVERY MODE
03/01/2011	PAPER

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

**In re Application of**  
**Tatsuya WATANABE**  
**Application No.: 12/221,674**  
**Filed: 04 August 2008**  
**Attorney Docket No.: 4041J-001485**  
**For: PRESSURE SENSOR**

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 22 February 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, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority then 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 obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
  - b. An English translation of the allowable/patentable claim(s) and
  - c. A statement that the English translation is accurate;
3. Applicant must
  - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
  - b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;

5. Applicant must submit:

a. Documentation of prior office action:

- i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
- ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
- iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;

- b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
- c. A statement that the English translation is accurate;

6. Applicant must submit:

- a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
- b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

Conditions (1-4) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet conditions (5) and (6).

Regarding the requirement of condition (5), the copy of the office action from the JPO application is incomplete. Specifically, the provided copy appears to be missing pages 2 and 4.

Regarding the requirement of condition (6), applicant has failed to submit an IDS listing all the documents cited by the JPO examiner in the JPO office action. Applicant has failed to cite H05-248979, H9-43085, 2007-137333, and 2007-300774 and provide copies thereof.

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

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

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

  
Lee W. Young  
TQAS Technology Center 2800



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.
12/221,674	08/04/2008	Tatsuya Watanabe	4041J-001485	2510

27572 7590 04/26/2011  
HARNES, DICKEY & PIERCE, P.L.C.  
P.O. BOX 828  
BLOOMFIELD HILLS, MI 48303

EXAMINER

JENKINS, JERMAINE L

ART UNIT	PAPER NUMBER
2855	

MAIL DATE	DELIVERY MODE
04/26/2011	PAPER

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

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



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

**In re Application of**  
**Tatsuya WATANABE**  
**Application No.: 12/221,674**  
**Filed: 04 August 2008**  
**Attorney Docket No.: 4041J-001485**  
**For: PRESSURE SENSOR**

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 22 February 2011 and renewed 08 March 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:

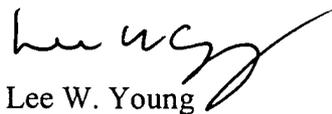
- a. The allowable/patentable claim(s) from the JPO application(s);
  - b. An English translation of the allowable/patentable claim(s) and
  - c. A statement that the English translation is accurate;
3. Applicant must:
- a. Ensure all the claims in the U.S. application must sufficiently correspond or 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 2800 – Semiconductors  
Electrical & Optical Systems & Components



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AUG 19 2010

Bernard S. Hoffman  
10 Colgate Street  
Port Jefferson Station, NY 11776

In re Application of	:
Brody Michael HOWELL	:
Application No. 12/221,735	:
Filed: August 6, 2008	:
For: HOLDER FOR WEARING BY A USER, SLIDABLY,	:
REPLACEABLY, AND VISIBLY HOLDING AN ID	:
AND REPLACEABLY AND VISIBLY HOLDING AT	:
LEAST ONE SPECIFICALLY CONFIGURED CHARM	:

: DECISION ON PETITION  
: UNDER 37 CFR §1.181

This is a decision on applicant's petition under 37 CFR 1.181 filed March 17, 2010 requesting withdrawal of the finality of the Office action mailed November 13, 2009.

The petition is **GRANTED**.

The record reflects that on April 2, 2009 a non-final Office action was mailed rejecting claims 1-4, 6, 8-9 and 16 under 35 U.S.C. 102, rejecting claim 7 under 35 U.S.C. 103, and objecting to claims 5, 10-15 and 17 as being dependent upon a rejected base claim, but allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. On July 7, 2009 applicant filed an amendment-amending claim 1 to include the subject matter of claim 10 and changing the dependency of claim 11. On November 13, 2009 a final Office action was mailed rejecting claims 1-4, 6, 8-9 and 16 under 35 U.S.C. 102, rejecting claim 7 under 35 U.S.C. 103 and objecting to claims 5, 11-15 and 17 as being dependent upon a rejected base claim, but allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. This action noted that Applicant did not include all the intervening limitations of claims 2-4 when claim 1 was amended, and therefore, claim 1 was still rejectable under 102. On January 14, 2010 applicant filed an amendment amending claim 1 to include the subject matter of claims 2-4 and changing the dependency of claims 5 and 6. This after final amendment was entered and a new final Office action was mailed February 19, 2010 rejecting claims 1, 5-9, and 12-17 under 35 U.S.C. 103 stating that Applicant's amendment necessitated the new grounds of rejection.

In the petition filed March 17, 2010 to withdraw the finality of the Office action mailed November 13, 2009, applicant argues that the amendment of January 14, 2010 does not necessitate a new ground of rejection because it only made the corrections noted by the Examiner as being allowable. Furthermore, no reasons were provided as to why previously indicated allowable limitations were now rejectable.

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

MPEP 706.07 sets forth that the examiner should never lose sight of the fact that in every case the applicant is entitled to a fair and full hearing, and that a clear issue between applicant and examiner should be developed, if possible, before appeal; and that in making the final rejection, they [the grounds of rejection] must be clearly developed to such an extent that applicant may readily judge the advisability of appeal unless a single previous Office action contains a complete statement supporting the rejection. Furthermore, MPEP 706.07(a) sets forth that the second or any subsequent action on the merits shall be made final except where the examiner introduces a new ground of rejection that is neither necessitated by applicants' amendment nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p).

With regard to the propriety of the finality of the office action mailed February 19, 2010, the issue is whether or not the amendment to claim 1 changed the meaning of the claim in a manner not in line with the Examiner's noted allowable subject matter and would have thus required new grounds of rejection. The amendment to claim 1, filed January 14, 2010, is in line with what the examiner had noted as being allowable if rewritten.

Therefore, the new grounds of rejection of claims 1, 5-9, and 12-17 were not necessitated by the January 14, 2010 amendment.

Any questions regarding this decision should be directed to Supervisory Patent Examiner Lesley Morris at 571-272-6651.



Dave Talbott, Director  
Patent Technology Center 3600  
(571) 272-5250

DT/Idm: 8/09/10

LM



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Office of Patents and Licensing  
Suite 2100  
One Worlds Fair Drive  
Somerset, NJ 08873

**MAILED**

**JUN 15 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Peter J. Yim, et. al. :  
Application No. 12/221,738 : **DECISION ON PETITION**  
Filed: August 5, 2008 :  
Attorney Docket No. RWJ 06-02 CIP :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 6, 2011, to revive the above-identified application.

The above application became abandoned for failure to timely respond to the Notice of Allowance and Fee(s) Due mailed October 28, 2010. A Notice of Abandonment was mailed on February 11, 2011.

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

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<sup>1</sup>; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). The instant petition lacks item (2) above.

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.

<sup>1</sup> Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D).

The "Transmittal Letter to Commissioner (Patent Pending)" filed on May 6, 2011, authorizes the Office to charge and credit the listed deposit account. However, when the Office attempted to charge the \$810 petition fee, it was noted that the account listed contained insufficient funds. Therefore, no consideration on the merits can be given to the present petition until the required fee of \$810 has been received.

Additionally, if petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. Thus, a courtesy copy of this decision is being mailed to petitioner; thereafter, all future correspondence regarding this application file will be directed solely to the address of record until otherwise instructed.

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

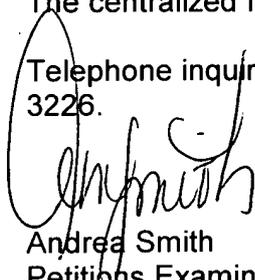
Further correspondence with respect to this matter should be addressed as follows:

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

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

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

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



Andrea Smith  
Petitions Examiner  
Office of Petitions

cc:     KATHLEEN TYRRELL  
         Licata and Tyrrell, PC  
         66 E Main St  
         Marlton, NJ 08053



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Somerset, NJ 08873

**MAILED**

**JUL 05 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Peter J. Yim, et. al. :  
Application No. 12/221,738 : **DECISION ON PETITION**  
Filed: August 5, 2008 :  
Attorney Docket No. RWJ 06-02 CIP :

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

The above application became abandoned for failure to timely respond to the Notice of Allowance and Fee(s) Due mailed October 28, 2010. A Notice of Abandonment was mailed on February 11, 2011.

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

Since the petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of twelve (12) sheet of replacement drawings containing Figures 1-12; (2) the petition fee of \$810; and (3) a proper statement of unintentional delay<sup>1</sup>, the petition is **GRANTED**.

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

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

Andrea Smith  
Petitions Examiner  
Office of Petitions

<sup>1</sup> 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. In the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must so notify the Office.



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APPLETON PAPERS INC.  
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825 E. WISCONSIN AVENUE  
PO BOX 359  
APPLETON WI 54912-0359

**MAILED**  
**JUL 05 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
SCHWANTES, TODD ARLIN :  
Application No. 12/221,781 : DECISION ON PETITION  
Filed: 08/06/2008 :  
Attorney Docket No. 6610 CIP :

This is a decision on the petition under 37 CFR.1.181 filed June 20, 2011, to withdraw the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to respond in a timely manner to the non-final Office action mailed November 24, 2010, which set a three-month shortened statutory period for reply. Extensions of this period were available under 37 CFR 1.136(a). On June 8, 2011, the Office mailed a Notice of Abandonment.

Petitioner states that he filed a timely and proper reply to the non-final Office action accompanied by a request for an extension of time for response within the third month (and fee). Thus, petitioner requests that the Office withdraw the holding of abandonment.

The request for an extension of time for response within the third month and the reply filed May 31, 2011 (bearing a certificate of mailing date of May 24, 2011), were located among the papers in the Image File Wrapper for the above-identified application. Accordingly, the reply is considered timely filed with the request for an extension of time for response within the third month (and fee). See 37 CFR 1.8(a) and 1.136(a).

The petition under 37 CFR 1.181 is granted. The holding of abandonment is hereby withdrawn. The application is restored to pending status in view of the fact that petitioner filed a timely

response to the non-final Office action on May 31, 2011 (certificate of mailing date of May 24, 2011).

This matter is being referred to Technology Center Art Unit 1765 for further action on the reply filed on May 31, 2011 (certificate of mailing date of May 24, 2011).

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3211. All other questions regarding the status of the application or the examination procedures should be directed to the Technology Center.

A handwritten signature in cursive script that reads "C. T. Donnell".

Christina Tartera Donnell  
Senior Petitions Attorney  
Office of Petitions



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**DON B. FINKELSTIN, ESQ.**  
**LAW OFFICES OF DON FINKELSTEIN**  
**SUITE 216**  
**3858 CARSON STREET**  
**TORRANCE C 90503**

**MAILED**  
**MAY 02 2011**  
**OFFICE OF PETITIONS**

In re Patent No. 7,854,219 :  
Issue Date: December 21, 2010 :  
Application No. 12/221,823 : **NOTICE**  
Filed: August 6, 2008 :  
Attorney Docket No. PA5510 :

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 **NOT ACCEPTED**.

The fee deficiency cannot be accepted because no itemization has been submitted, as required by 37 CFR 1.28(C) (ii) which states:

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

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

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

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

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

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

As indicated above, the submission filed March 23, 2011, does not include a proper itemization. In this regard, the Issue and Terminal Disclaimer fees should be further itemized to include the dates the small entity fees were actually paid.

This itemization must be provided within one (1) month of the mail date of this decision to avoid the return of the deficiency payment. See 37 CFR 1.28 (c)(3). No extension of this 1-month time limit will be granted under 37 CFR 1.136(a).

Inquiries related to this communication should be directed to Diane Goodwyn at (571) 272-6735.

  
Thurman K. Page  
Petitions Examiner  
Office of Petitions



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**DON B. FINKELSTIN, ESQ.**  
**LAW OFFICES OF DON FINKELSTEIN**  
**SUITE 216**  
**3858 CARSON STREET**  
**TORRANCE C 90503**

**MAILED**  
**JUN 24 2011**  
**OFFICE OF PETITIONS**

In re Patent No. 7,854,219 :  
Issue Date: December 21, 2010 :  
Application No. 12/221,823 : NOTICE  
Filed: August 6, 2008 :  
Attorney Docket No. PA5510 :

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

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

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

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

Inquiries related to this communication should be directed to Diane Goodwyn at (571) 272-6735.

Thurman K. Page  
Petitions Examiner  
Office of Petitions



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Gagnon, Peacock & Shanklin, P.C.  
4245 N. Central Expressway  
Suite 250, LB104  
Dallas, TX 75205

**MAILED**

AUG 25 2011

OFFICE OF PETITIONS

In re Application of  
John D. Carnegie, et. al.  
Application No. 12/221,833  
Filed: August 7, 2008  
Attorney Docket No. 11-059

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

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 17, 2011, to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

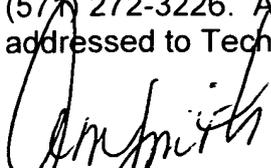
The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement from joint inventor, David A. Ackley, that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

This application file is being referred to Technology Center Art Unit 3687 for processing in accordance with this decision.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226. All other inquiries concerning the processing of the application should be addressed to Technology Center 3600 at (571) 272-3600.

  
Andrea Smith  
Petitions Examiner  
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/221,857	08/07/2008	Zhili Hao	672168.0044	3582
45309	7590	03/06/2012	EXAMINER	
WILLIAMS MULLEN 222 CENTRAL PARK AVENUE SUITE 1700 VIRGINIA BEACH, VA 23462			DAY, HERNG DER	
			ART UNIT	PAPER NUMBER
			2128	
			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.



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March 6, 2012.

WILLIAMS MULLEN  
222 CENTRAL PARK AVENUE  
SUITE 1700  
VIRGINIA BEACH VA 23462

In re Application of :  
Hao, Zhili : **DECISION ON PETITION**  
Application No. 12/221,857 :  
Filed: 08/07/2008 :  
Attorney Docket No. 672168.0044 :

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) November 12/ 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.
12/221,857	08/07/2008	Zhili Hao	672168.0044	3582
45309	7590	04/02/2012	EXAMINER	
WILLIAMS MULLEN 222 CENTRAL PARK AVENUE SUITE 1700 VIRGINIA BEACH, VA 23462			DAY, HERNG DER	
			ART UNIT	PAPER NUMBER
			2128	
			NOTIFICATION DATE	DELIVERY MODE
			04/02/2012	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):

ip@williamsmullen.com



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

March 30, 2012

WILLIAMS MULLEN  
222 CENTRAL PARK AVENUE  
SUITE 1700  
VIRGINIA BEACH VA 23462

In re Application of :  
HOA, ZHILI : **DECISION ON PETITION**  
Application No. 12/221,857 :  
Filed: 08/07/2008 : **ACCEPTANCE OF COLOR**  
Attorney Docket No. 672168.0044 : **DRAWINGS**

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) March 14, 2012.

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



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**MAILED**

**FEB 06 2012**

**OFFICE OF PETITIONS**

Mr. Kevin Liu  
197 Alhambra Way  
Weston FL 33326

In re Application of :  
Liu : DECISION ON PETITION  
Application No. 12/221,859 :  
Filed: August 6, 2008 :  
For: PUMPLESS LIQUID COOLING :  
SYSTEM :

This is a decision on the petition under 37 CFR 1.137(b), filed January 19, 2012, to revive the above-identified application.

The petition is **DISMISSED WITHOUT PREJUDICE**.

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

In accordance with 37 CFR 1.33(b), "[a]mendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by: (1) A patent practitioner of record appointed in compliance with § 1.32(b); (2) A patent practitioner not of record who acts in a representative capacity under the provisions of § 1.34; (3) An assignee as provided for under § 3.71(b) of this chapter; or (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter."

The instant petition has not been executed in accordance with 37 CFR 1.33(b)(4) in that the petition is not signed.

Any request for reconsideration must be accompanied by a properly executed petition.

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

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

By facsimile: (571) 273-8300

Application No. 12/221,859

2

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

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

*/ALESIA M. BROWN/*

Alesia M. Brown  
Attorney Advisor  
Office of Petitions



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 05 2012**  
**OFFICE OF PETITIONS**

Mr. Kevin Liu  
197 Alhambra Way  
Weston FL 33326

In re Application of :  
Liu : DECISION ON PETITION  
Application No. 12/221,859 :  
Filed: August 6, 2008 :  
For: PUMPLESS LIQUID COOLING :  
SYSTEM :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed February 21, 2012, to revive the above-identified application.

The petition is **DISMISSED**.

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

This application became abandoned September 23, 2011 for failure to timely submit a proper reply to the non-final Office action mailed June 22, 2011. The non-final Office action set a three month shortened statutory period of time for reply. Notice of Abandonment was mailed January 12, 2012.

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; (3) the required statement of unintentional delay; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

The present petition fails to satisfy requirement (1) set forth above. Petitioner has failed to submit a reply to the outstanding Office communication, a copy of which is enclosed herewith as a courtesy.

Any request for reconsideration must include a proper reply to the non-final Office action.

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

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

Alexandria, VA 22313-1450

By 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.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

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

*/ALESIA M. BROWN/*

Alesia M. Brown  
Attorney Advisor  
Office of Petitions

CC: Kevin Liu  
3715 Oak Ridge Cir.  
Weston FL 33331



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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Address: COMMISSIONER FOR PATENTS  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/221,859	08/06/2008	Kechuan Kevin Liu		3574

7590 06/22/2011  
Mr. Kevin Liu  
197 Alhambra Way  
Weston, FL 33326

EXAMINER

EDWARDS, PATRICK

ART UNIT PAPER NUMBER

3744

MAIL DATE DELIVERY MODE

06/22/2011

PAPER

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

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



## DETAILED ACTION

### *Specification*

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because:

- The abstract contains legal phraseology such as comprises (see line 2).
- The abstract contains 171 words.

Correction is required. See MPEP § 608.01(b).

### *Drawings*

Figure 1A and 1B should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

Claims 1-18 are objected to because of the following informalities:

- Claim 1 Line 8, the recitation of " have liquid circulating" should be –have a liquid circulating—
- Claim 1 Line 10, the recitation of "connected to form heat" should be – connected to form a heat--
- Claim 2 Line 4, the recitation of " for liquid passing through " should be –for a liquid to pass through—
- Claims 2-14 should be labeled as –The pumpless liquid cooling system--, as they depend from claim 1 which already sets forth the pumpless cooling system for which the claims depend.
- Claim 2 Line 5, the recitation of "out;" should be –out.—
- Claim 5 Line 3 , the recitation of "fins and internal " should be –fins an internal--
- Claim 6 Line 3, the recitation of "disc attaching " should be –disc attached--
- Claim 6 Line 4, the recitation of "vanes attached or extended to " should be – vanes attached to or extended from—
- In Claim 6 Line 4, the recitation of "radically" should be –radially—
- Claim 8 Line 2, the recitation of "supporting " should be --support--
- Claim 8 Line 3, the recitation of "external ring" should be –external rings—
- Claim 10 Line 5, the recitation of "radically" should be –radially--. Additionally, Line 5, the recitation of "end co-axially" should be --end and co-axially--

Further, Line 5, the recitation of "plurality vanes" should be --plurality of vanes--.

- Claim 11 Line 2, the recitation of "device may an alter item of a commercially " should be --device may be a commercially available axial fan--
- Claim 13 Line 5, the recitation of "connection to form liquid " should be -- connection to form a liquid--
- Claim 15 Line 9, the recitation of "have liquid " should be --have a liquid --
- Claim 15 Line 11, the recitation of "to form heat " should be --to form a heat --
- Claim 15 Line 13, the recitation of "fastened together. " should be --fastened together;--
- Claim 15 Line 14, the recitation of "to transfer torques " should be --to transfer torque—
- Claim 15 Line 15, the recitation of "said impeller instead; said torques rotating said impeller " should be --said impeller; said torque rotates said impeller on the liquid --
- Claim 18 Line 9, the recitation of "configured to have liquid " should be -- configured to have a liquid --
- Claim 18 Line 10, the recitation of "connected to form heat transfer" should be --connected to form a heat transfer--

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

Art Unit: 3744

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 15-17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

- In regards to claims 15-17, the applicant recites a "means for liquid circulation without using a pump" (claim 15, line 6). The claim implies that there is no movement of fluid by pressure changes and rotating elements. However, as disclosed, the current invention uses an impeller to circulate coolant and the process of circulating the fluid which is an inherent operation of a pump. Given the limitation "means for liquid circulation without using a pump" would not enable one skilled to the art to make or use the invention. For examination purposes the limitation "means for liquid circulation without using a pump" has been interpreted as the impeller.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-12 and 18-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Claim 2 line 4 cites the phrase "a plurality of liquid channels running inside for liquid passing through" the phrase is unclear as to whether liquid is running inside the

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- absorbing portion or the base/body. For examination purposes, this limitation has been interpreted as the liquid is running inside the absorbing portion.
- Claim 2 line 5 cites the phrase "outlet for liquid in and out". The phrase is unclear as to whether the liquid flows in and out of the absorbing portion or the base/body. For examination purposes, this limitation has been interpreted as the liquid flows in and out of the absorbing portion.
  - Claim 3 line 2 cites the term "maybe". The term represents a variable which does not positively recite if the micro-channel or the milli-channel is part of the present invention. In other words, is the liquid channel built as a micro-channel or milli-channel or are these elements optional limitations. For examination purposes, this limitation has been interpreted as the liquid channel.
  - In regards to claim 3 the limitation "micro-channel or milli-channel" has not been described in sufficient detail. There is no antecedent basis for this limitation in the specification.
  - Claim 4 line 3 cites the term "maybe". The term represents a variable which does not positively recite if the support bearing and plug of claim 4 is part of the present invention. In other words, does the heat dissipating portion include a support bearing and a plug or are these elements optional limitations. For examination purposes, this limitation has been interpreted as not having the support bearing and plug. As a result, claims 8-9 have been given limited patentable weight.
  - Claim 7 line 3 cites the term "maybe". The term represents a variable which does not positively recite if the feed screw of claim 7 is part of the present invention. In other words, is the shaft a feed screw or is this an optional limitation. For examination

purposes the limitation has been interpreted as a shaft with vanes attached or extended.

- The term "basically" in claim 7 is a relative term which renders the claim indefinite. The term "basically" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The feed screw of claim 7 is rendered indefinite because there is no method of determining what constitutes an impeller being "basically" a feed screw with modifications.
- Claim 10 line 5 cites the limitation "its". The term is unclear as to whether the magnetic disc is attached on the vanes or shaft. For examination purposes, the term will be interpreted as the shaft.
- Claim 11 line 2 cites the term "may". The term represents a variable which does not positively recite if the commercially available axial fan of claim 11 is a part of the present invention. In other words, is the fan an axial fan or is this type fan an optional limitation. For examination purposes the limitation has been interpreted as the driving device is a fan.
- Claim 11 is indefinite because of the phrase "may an alter item" is unclear in context. As a result the phrase is given limited patentable weight. For examination purposes the recitation has been interpreted as the device having a fan.
- Claim 12 Line 3 and Claim 13 Line 3 recites the limitation "the relationship". It is unclear as to what is in "the relationship" as recited. For examination purposes, the recitation has been interpreted as --a relationship--.

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- Claim 18 Line 6 and Claim 19 Line 4 recite the limitation "receiver". There is no antecedent basis for this limitation in the claim. The claim is unclear as to what structure constitutes the "receiver". As a result the limitation is given limited patentable weight. For examination purposes the limitation "receiver" has been interpreted as the heat dissipating portion.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

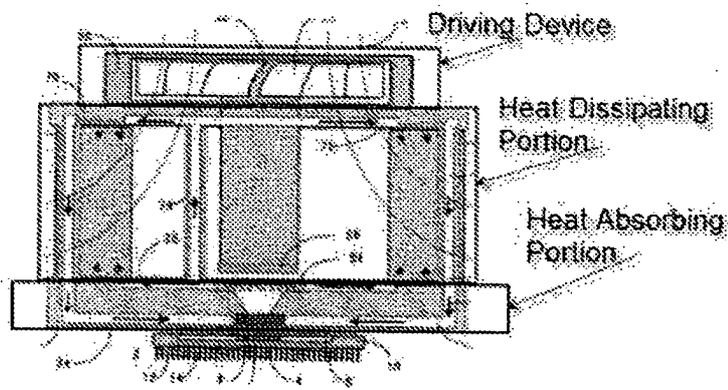
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 and 12-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Batchelder (US 6019165).

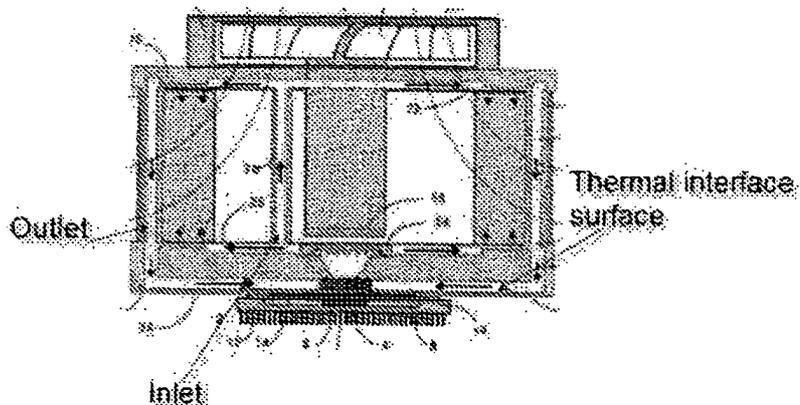
**In regards to claims 1, 15, and 18** Batchelder disclose pumpless liquid cooling system for removing heat from heat generating components comprising: a heat absorbing portion (see annotated Figure below); a heat dissipating portion (see annotated Figure below) and at least one driving device (See annotated Figure below); said heat absorbing portion and said heat dissipating portion being of unitary construction (Column 6 Lines 53-58) as a sealed container with working fluid inside (Shown in Fig. 5); said heat dissipating portion configured to have a liquid circulating mechanism internally (54 Impeller) and heat rejection capabilities externally (fins, column 6 Lines 64-65); said heat absorbing portion and said heat dissipating portion having liquid passages (76) internally and being connected to form a heat transfer loop (denoted by arrows in Fig. 5); said driving device (30) and said heat dissipating portion

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(28) being co-axially aligned and attached. In which the cooling system uses a magnetic field force to transfer torques from said driving device to said impeller exerting pressure on liquid to circulate liquid in the heat transfer loop. (Column 8 Lines 14-27)

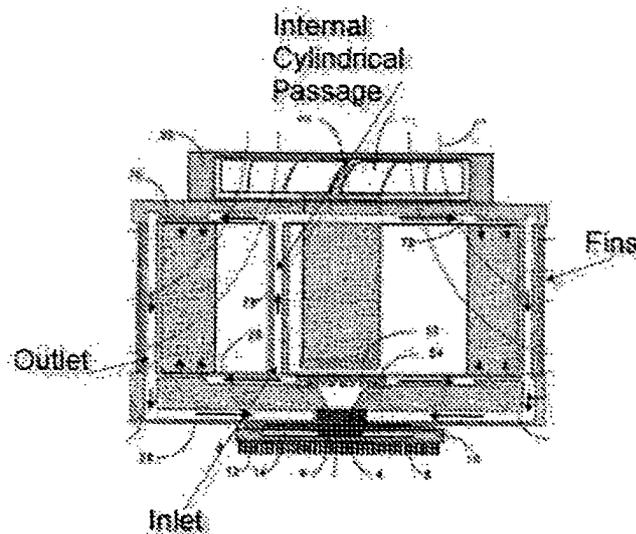


In regards to claim 2 and 3 Batchelder discloses the apparatus wherein said heat absorbing portion having a base (24) configured to have at least one thermal interface surface (as shown below), a plurality of liquid channels running inside for liquid passing through (76), an inlet and an outlet for liquid in and out of the heat absorbing portion (As shown).



**In regards to claim 4** Batchelder discloses the heat dissipating portion comprising a heat dissipating body (70), an impeller (54), and an end cap (26 - Figure 5 which functions as the upper surface to contain the liquid).

**In regards to claim 5** Batchelder discloses wherein the heat dissipating body having fins (28 Column 6 Lines 64-65); an internal cylindrical liquid passage (60), an inlet, an outlet (Defined by 76), and an orifice (Column 5 Lines 38-47); said fins for heat rejection with air passing through naturally (Column 5 Lines 13-16); said inlet, said outlet and said liquid passage (60) being in serial connection (as shown in Fig.5 from left to right); said orifice being used for filling-up liquid.



**In regards to claim 12** Batchelder discloses the apparatus wherein the driving device and heat dissipating portion being assembled together so that said magnetic disc (56) of said rotor (32) and magnetic disc (top portion of 54) of said impeller are coaxial (Column 10 Lines 15-43) and face to face divided by said end cap (26 which functions as the upper surface to contain the liquid).

**In regards to claim 13** Batchelder discloses the apparatus wherein the heat dissipating portion and the heat absorbing portion being of unitary construction wherein the internal cylindrical liquid passage, the inlet, the outlet and the liquid channel being in serial connection to form a liquid circulating heat transfer loop (The heat transfer loop denoted by arrows in Fig.5)

**In regards to claim 14** Batchelder discloses the apparatus wherein the internal cylindrical liquid passage, the inlet, the outlet and the liquid channel having internal voids defined by passageways and channels (Column 6 Lines 58-61) for a liquid volume.

**In regards to claim 16** Batchelder discloses the magnetic field force being from a pair of circular magnets (380 driving device and 370 impeller) on said rotor of said driving device and on said impeller in said heat dissipating portion.

**In regards to claim 17 and 19** Batchelder discloses the pair of circular magnets are separated by end cap (26 - Figure 5 which functions as the upper surface to contain the liquid) without direction contact.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Batchelder (US 6019165) in view of Goldowsky et al (US 6208512).

**In regards to claim 6** Batchelder discloses the apparatus as claimed. However, Batchelder does not explicitly disclose the impeller comprises a shaft having an axis, a magnetic disc attached to said shaft coaxially at one end of said shaft, and a plurality of vanes attached to said shaft radially. Goldowsky et al teach a liquid cooling system having a shaft (44) (having its plain meaning as a cylindrical bar used to transmit motion) having an axis through the center of the shaft; a magnetic disc (50a) having a center axis the same as the shaft and a plurality of vanes (48a) attached extending radially. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Batchelder to use an impeller as taught by Goldowsky et al. to create turbulent flow which would increase the heat absorbing capabilities.

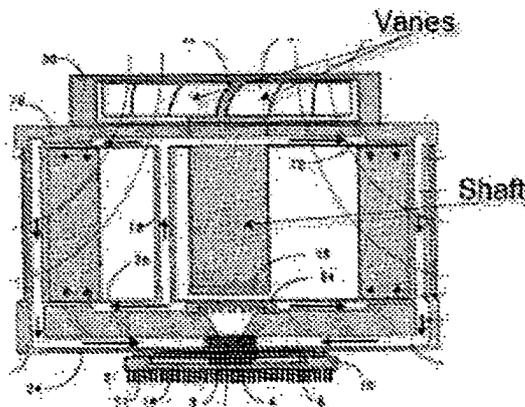
**In regards to claim 7** Batchelder discloses the apparatus as claimed. However Batchelder does not explicitly disclose the shaft having vanes attached. Goldowsky et al disclose a magnetically coupled pump using attached vanes (48) to circulate fluid. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Batchelder to use a shaft having vane as taught by Goldowsky et al to

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allow for a lower pressure along the shaft axis to reduce the occurrence of cavitations which would damage the shaft.

Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Batchelder (US 6019165) in view of Wu (US 6654246).

**In regards to claim 10** Batchelder discloses the apparatus wherein the driving device comprises a frame that houses the rotor (32) as shown in Figure 5 said rotor configured to have a shaft that is connected to rotor (32) shown in Fig. 5 and having a plurality of vanes (34) extended radially and a magnetic disc (56) attached on the shaft end co-axially and driven by a motor (Column 6 Lines 5-7). Batchelder does not explicitly disclose a plurality of mounting apertures. However, Wu disclose a fan frame having four mounting holes for mounting to a heat sink. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Batchelder to provide the fan frame with mounting holes as taught by Wu to prevent the fan frame from moving during fan rotation.



**In regards to claim 11** Batchelder discloses the apparatus wherein the driving device is a fan (Column 5 Lines 56-59).

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bingler (US 6668911), Uomori et al. (US 6832646), Farrow et al. (US 6945314), and Wang (US 6638033) are cited to show different magnetically coupled coolers having different casing structures. Benson (US 1536754) and Chrysler et al (US 6992382) are cited to show fluid circulating elements.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PATRICK EDWARDS whose telephone number is (571)270-7050. The examiner can normally be reached on M - F 8 am - 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl Tyler can be reached on 571-272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 12/221,859  
Art Unit: 3744

Page 15

If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/PATRICK EDWARDS/  
Examiner, Art Unit 3744

/CHERYL J. TYLER/  
Supervisory Patent Examiner, Art  
Unit 3744



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
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Alexandria, VA 22313-1450  
www.uspto.gov

ENZO BIOCHEM, INC.  
527 MADISON AVENUE (9TH FLOOR)  
NEW YORK NY 10022

MAILED

NOV 15 2010

OFFICE OF PETITIONS

In re Application of :  
Elazar RABBANI et al. :  
Application No. 12/221,863 : DECISION ON PETITION  
Filed: August 07, 2008 :  
Attorney Docket No. ENZ-68(CIP-4) :

This is a decision on the petition, filed June 09, 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**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application, mailed September 21, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 22, 2009.

Petitioner states that a reply was timely mailed via express mail on October 27, 2009. As evidence petitioner has submitted copies of the USPS Express Mail Receipt and a return postcard receipt from the USPTO, which would have rendered the reply timely if received.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney documents must be submitted.

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 is hereby withdrawn and the application restored to pending status.

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

This application is being referred to the Office of Patent Application Processing for appropriate action on the reply received October 27, 2009.

A handwritten signature in black ink, appearing to read 'Thurman K. Page', written in a cursive style.

Thurman K. Page  
Petitions Examiner  
Office of Petitions



Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
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ENZO BIOCHEM, INC.  
527 MADISON AVENUE (9TH FLOOR)  
NEW YORK NY 10022

**MAILED**  
**DEC 02 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
RABBANI et al. :  
Application No. 12/221,863 : DECISION DISMISSING PETITION  
Filed: 08/07/2008 : UNDER 37 CFR 1.78(a)(3)  
Attorney Docket No. ENZ-68(CIP-4) :

This is a decision on the petition under 37 CFR 1.78(a)(3) filed November 11, 2011, to accept an unintentionally delayed claim under 35 U.S.C. 120 for the benefit of the prior-filed nonprovisional application set forth in the currently filed amendment to the specification.

The petition is DISMISSED

A petition for acceptance of an unintentionally delayed claim under 35 U.S.C. 120 for the benefit of prior-filed nonprovisional applications pursuant to 37 CFR 1.78(a)(3) is 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 comply with item (1).

First, the reference to add prior-filed nonprovisional Application No. 11/598,916 in the first sentence of the specification on page one following the title is not acceptable as drafted because it improperly incorporates by reference prior-filed Application No. 11/598,916.

Pursuant to MPEP 201.11(III)(F),

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 after the filing date of the application, the amendment would not be proper. When a benefit claim 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 unless an incorporation by reference statement of the prior application was presented upon filing of the application. See Dart Indus. v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980).

The incorporation by reference statement of prior Application No. 11/598,916 was not presented upon filing Application No. 12/221,863. Accordingly, applicants cannot now add an incorporation by reference statement of prior Application No. 11/598,916.

Second, the Office notes:

The reference to the prior applications must identify all of the prior applications and indicate the relationship (i.e., continuation, divisional, or continuation-in-part) between each nonprovisional application in order to establish copendency throughout the entire chain of prior applications. Appropriate references must be made in each intermediate application in the chain of prior applications. If an applicant desires, for example, the following benefit claim: "this application is a continuation of Application No. C, filed --, which is a continuation of Application No. B, filed ---, which claims the benefit of provisional Application No. A, filed---," then Application No. C must have a reference to Application No. B and provisional Application No. A, and Application No. B must have a reference to provisional Application No. A.

MPEP 201.11(III)(C).

After reviewing the chain of applications to which applicants are seeking a benefit claim, it appears intermediate Applications Nos. 11/084,668, 11/097,518, and 11/598,916 do not contain appropriate references to all of the prior filed applications.

Specifically, Application No. 11/084,668 does not contain a reference indicating that nonprovisional Application No. 10/849,067, filed May 19, 2004, claims the benefit of U.S. provisional Application No. 60/504,860, filed September 22, 2003.

Additionally, Application No. 11/097,518 states that it is “a continuation-in-part of the patent application entitled ‘Sclerostin and the Inhibition on Wnt Signaling and Bone Formation’, filed on March 18, 2005 (Dan Wu, et al.) ...” but does not identify the prior application by application number (consisting of the series code and serial number) as required under 37 CFR 1.78(a)(2). Moreover, Application No. 11/097,518 does not contain a reference indicating that nonprovisional Application No. 11/084,668, filed March 18, 2005, is a continuation-in-part of Application No. 10/849,067, filed May 19, 2004, which claims the benefit of U.S. provisional Application No. 60//504,860, filed September 23, 2003.

Lastly, Application No. 11/598,916 states that it claims the benefit of U.S. provisional Application No. 60/504,860. However, Application No. 11/598,916 does not contain a reference indicating that Application No. 11/598,916, filed November 14, 2006, is a continuation-in-part of nonprovisional Application No. 11/097,518, filed April 1, 2005, which is a continuation-in-part of Application No. 11/084,668, filed March 18, 2005, which is a continuation-in-part of Application No. 10/849,067, filed May 19, 2004, which claims the benefit of U.S. provisional Application No. 60/504,860, filed September 23, 2003.

**Applicants should review the benefit claim submitted on petition to ensure that appropriate references are made in the first application and in each intermediate application in the chain of prior applications.**

As a condition for acceptance of the present petition under 37 CFR 1.78(a)(3), applicants **must** (1) perfect the benefit claim under 35 U.S.C. 119(e) by filing a petition under 37 CFR 1.78(a)(6) in Application No. 11/084,668 to add a reference indicating that Application No. 10/849,067, filed May 19, 2004, claims the benefit of U.S. provisional Application No. 60/504,860, filed September 22, 2003; (2) perfect the benefit claim under 35 U.S.C. 120 and 35 U.S.C. 119(e) by filing a petition under 37 CFR 1.78(a)(3) and (a)(6) in Application No. 11/097,518 to add a reference indicating that nonprovisional Application No. 11/097,518, filed April 1, 2005 is a continuation-in-part of Application No. 11/084,668, filed March 18, 2005, which is a continuation-in-part of Application No. 10/849,067, filed May 19, 2004, which claims the benefit of U.S. provisional Application No. 60/504,860, filed September 23, 2003; (3) perfect the benefit claim under 35 U.S.C. 120 and 35 U.S.C. 119(e) by filing a petition under 37 CFR 1.78(a)(3) and (a)(6) in Application No. 11/598,916 to add a reference indicating that Application No. 11/598,916, filed November 14, 2006, is a continuation-in-part of nonprovisional Application No. 11/097,518, filed April 1, 2005, which is a continuation-in-part of Application No. 11/084,668, filed March 18, 2005, which is a continuation-in-part of Application No. 10/849,067, filed May 19, 2004, which claims the benefit of U.S. provisional Application No. 60/504,860, filed September 23, 2003; and, (4) file a renewed petition under 37 CFR 1.78(a)(3) in Application No. 12/221,863 accompanied by an amendment to the specification or a

Supplemental Application Data Sheet removing the improper incorporation by reference statement of prior Application No. 11/598,916.

**Applicants must await a decision granting the petitions in Applications Nos. 11/084,668, 11/097,518 and 11/598,916 before filing a renewed petition under 37 CFR 1.78(a)(3) in the present application, No. 12/221,863.**

No additional petition fee is required for filing a renewed petition in Application no. 12/221,863. The Office notes that 37 CFR 1.33(b) requires that amendments and other papers, except for written assertions pursuant to 37 CFR 1.27(c)(2)(ii), filed in an application must be signed by an appropriate party. Therefore, an ADS, supplemental ADS, or an amendment submitted after the filing of an application must be signed in accordance with 37 CFR 1.33(b).

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

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

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

Correspondence may also be submitted via the Electronic Filing System of the USPTO.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3211.

*Christina Tartera Donnell*

Christina Tartera Donnell  
Senior Petitions Attorney  
Office of Petitions



Commissioner for Patents  
United States Patent and Trademark Office  
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ENZO BIOCHEM, INC.  
527 MADISON AVENUE (9TH FLOOR)  
NEW YORK NY 10022

**MAILED**

APR 04 2012

**OFFICE OF PETITIONS**

In re Application of :  
RABBANI et al. :  
Application No. 12/221,863 : DECISION DISMISSING PETITION  
Filed: 08/07/2008 : UNDER 37 CFR 1.78(a)(3)  
Attorney Docket No. ENZ-68(CIP-4) :

This is a decision on the renewed petition under 37 CFR 1.78(a)(3) filed April 2, 2012, to accept an unintentionally delayed claim under 35 U.S.C. 120 for the benefit of the prior-filed nonprovisional application set forth in the amendment to the specification filed on November 11, 2011.

The petition is DISMISSED

A petition for acceptance of an unintentionally delayed claim under 35 U.S.C. 120 for the benefit of prior-filed nonprovisional applications pursuant to 37 CFR 1.78(a)(3) is 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 comply with item (1).

As stated in the decision mailed December 2, 2011, the reference to add prior-filed nonprovisional Application No. 11/598,916 in the first sentence of the specification is not acceptable as drafted because it improperly incorporates by reference prior-filed Application No. 11/598,916.

Pursuant to MPEP 201.11(III)(F),

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 after the filing date of the application, the amendment would not be proper. When a benefit claim 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 unless an incorporation by reference statement of the prior application was presented upon filing of the application. See Dart Indus. v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980).

The incorporation by reference statement of prior Application No. 11/598,916 was not presented upon filing Application No. 12/221,863. Accordingly, applicants cannot now add an incorporation by reference statement of prior Application No. 11/598,916. Furthermore, the decision specifically stated that applicants must submit an amendment to the first sentence(s) of the specification or a Supplemental ADS removing the improper incorporation by reference statement of prior Application No. 11/598,916 with any renewed petition under 37 CFR 1.78(a)(3).

Accordingly, the petition is **dismissed**.

Applicants must file a renewed petition under 37 CFR 1.78(a)(3). Additionally, applicants must submit an amendment to the first sentence(s) of the specification or a Supplemental ADS that includes a reference to the prior filed applications in compliance with 37 CFR 1.78(a) and removes the improper incorporation by reference statement of prior Application No. 11/598,916. No additional petition fee is required for filing a renewed petition.

The Office notes that 37 CFR 1.33(b) requires that amendments and other papers, except for written assertions pursuant to 37 CFR 1.27(c)(2)(ii), filed in an application must be signed by an appropriate party. Therefore, a Supplemental ADS or an amendment submitted on renewed petition must be signed in accordance with 37 CFR 1.33(b) and commence on a separate physical sheet pursuant to 37 CFR 1.4(c).

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

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

Correspondence may also be submitted via the Electronic Filing System of the USPTO.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3211.

/Christina Tartera Donnell/

Christina Tartera Donnell  
Senior Petitions Attorney  
Office of Petitions



Commissioner for Patents  
United States Patent and Trademark Office  
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ENZO BIOCHEM, INC.  
527 MADISON AVENUE (9TH FLOOR)  
NEW YORK NY 10022

**MAILED**  
**APR 12 2012**  
**OFFICE OF PETITIONS**

In re Application of :  
RABBANI et al. :  
Application No. 12/221,863 : DECISION GRANTING PETITION  
Filed: 08/07/2008 : UNDER 37 CFR 1.78(a)(3)  
Attorney Docket No. ENZ-68(CIP-4) :

This is a decision on the renewed petition under 37 CFR 1.78(a)(3) filed April 11, 2012, to accept an unintentionally delayed claim under 35 U.S.C. 120 for the benefit of the prior-filed nonprovisional application set forth in the concurrently filed amendment to the specification.

The renewed petition is **GRANTED**.

A petition for acceptance of an unintentionally delayed claim under 35 U.S.C. 120 for benefit of a prior-filed nonprovisional application pursuant to 37 CFR 1.78(a)(3) is applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the benefit claim under 35 U.S.C. 120 is accepted as being unintentionally delayed.

**The granting of the petition to accept the delayed benefit claim of the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of 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 claim under 35 U.S.C. 120 for the benefit of the prior-filed nonprovisional applications, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3211. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 1647 for consideration by the Examiner of applicant's entitlement to claim benefit under 35 U.S.C. 120 of the prior-filed 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
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Table with 6 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY. DOCKET NO, TOT CLAIMS, IND CLAIMS. Row 1: 12/221,863, 08/07/2008, 1647, 3807, ENZ-68(CIP-4), 100, 11

CONFIRMATION NO. 3686

CORRECTED FILING RECEIPT



28171
ENZO BIOCHEM, INC.
527 MADISON AVENUE (9TH FLOOR)
NEW YORK, NY 10022

Date Mailed: 04/12/2012

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)

- Elazar Rabbani, New York, NY;
Xiaofeng Li, Farmington, NY;
Dakai Liu, South Setauket, NY;
Yazhou Zhang, South Setauket, NY;
Richard Jin, Pennington, NJ;
Riddhi Bhattacharyya, West Babylon, NY;
Wei Cheng, Valley Stream, NY;
James J. Donegan, Long Beach, NY;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CIP of 11/598,916 11/14/2006
which is a CIP of 11/097,518 04/01/2005
which is a CIP of 11/084,668 03/18/2005
which is a CIP of 10/849,067 05/19/2004
which claims benefit of 60/504,864 09/22/2003

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: 08/27/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 12/221,863

Projected Publication Date: Not Applicable

**Non-Publication Request: No**

**Early Publication Request: No**

**\*\* SMALL ENTITY \*\***

**Title**

Methods for treating inflammation

**Preliminary Class**

424

## **PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

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

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

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

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

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

**LICENSE FOR FOREIGN FILING UNDER**  
**Title 35, United States Code, Section 184**  
**Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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

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

**NOT GRANTED**

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

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**DON B. FINKELSTIN, ESQ.**  
**LAW OFFICES OF DON FINKELSTEIN**  
**SUITE 216**  
**3858 CARSON STREET**  
**TORRANCE C 90503**

**MAILED**  
**MAY 02 2011**  
**OFFICE OF PETITIONS**

In re Patent No. 7,730,868 :  
Issue Date: June 8, 2010 :  
Application No. 12/221,869 : **NOTICE**  
Filed: August 6, 2008 :  
Attorney Docket No. PA5511 :

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 **NOT ACCEPTED.**

The fee deficiency cannot be accepted because no itemization has been submitted, as required by 37 CFR 1.28(C) (ii) which states:

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

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

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

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

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

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

As indicated above, the submission filed March 23, 2011, does not include a proper itemization. In this regard, the Issue fee should be further itemized to include the date the small entity fee was actually paid.

This itemization must be provided within one (1) month of the mail date of this decision to avoid the return of the deficiency payment. See 37 CFR 1.28 (c)(3). No extension of this 1-month time limit will be granted under 37 CFR 1.136(a).

Inquiries related to this communication should be directed to Diane Goodwyn at (571) 272-6735.

  
Thurman K. Page  
Petitions Examiner  
Office of Petitions



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**DON B. FINKELSTIN, ESQ.**  
**LAW OFFICES OF DON FINKELSTEIN**  
**SUITE 216**  
**3858 CARSON STREET**  
**TORRANCE C 90503**

**MAILED**  
**JUN 24 2011**  
**OFFICE OF PETITIONS**

In re Patent No. 7,730,868 :  
Issue Date: June 8, 2010 :  
Application No. 12/221,869 : **NOTICE**  
Filed: August 6, 2008 :  
Attorney Docket No. PA5511 :

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

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.
12/221,918	08/06/2008	Dikran Babikian	61319/B603	3534
23363	7590	03/02/2012	EXAMINER	
CHRISTIE, PARKER & HALE, LLP			POLITO, NICHOLAS F	
PO BOX 29001			ART UNIT	PAPER NUMBER
Glendale, CA 91209-9001			3673	
			MAIL DATE	DELIVERY MODE
			03/02/2012	PAPER

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

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



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CHRISTIE, PARKER & HALE, LLP  
PO BOX 29001  
Glendale CA 91209-9001

Applicant: Babikian et al.  
Appl. No.: 12/221,918  
Filing Date: August 6, 2008  
Title: BABY CHANGING STATION  
Attorney Docket No.: 61319/B603  
Pub. No.: US 2009/0038079 A1  
Pub. Date: February 12, 2009

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on February 22, 2012, 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](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.

A handwritten signature in black ink, appearing to read "Tammy J. Koontz". The signature is stylized with a large initial "T" and a cursive "K".

Tammy J. Koontz  
Office of Data Management  
United States Patent & Trademark Office

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

Paper No.: \_\_\_\_\_

DATE : October 7, 2010

TO SPE OF : ART UNIT; 1656

SUBJECT : Request for Certificate of Correction for Appl. No.: 12221953 Patent No.: 7760110

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

**FOR IFW FILES:**

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

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

**FOR PAPER FILES:**

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

**Certificates of Correction Branch (CofC)  
Randolph Square – 9D40-C  
Palm Location 7580**

\_\_\_\_\_  
**Certificates of Correction Branch  
703-756-1573**

**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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

/Benjamin C. Lee/  
\_\_\_\_\_  
**SPE**

2612 \_\_\_\_\_  
**Art Unit**



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**NORMAN E. LEHRER, P.C.**  
**1205 NORTH KINGS HIGHWAY**  
**CHERRY HILL NJ 08034**

**MAILED**  
**OCT 12 2010**  
**OFFICE OF PETITIONS**

In re Application of :  
**WALCH, John R.** :  
Application No. 12/221,962 : **DECISION ON PETITION**  
Filed: August 08, 2008 : **TO MAKE SPECIAL UNDER**  
Attorney Docket No. 6758 : **37 CFR 1.102(c)(1)**  
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 02, 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 attesting that John R. Walch is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

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

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 3735 for action on the merits commensurate with this decision.

  
Michelle R. Eason  
Paralegal Specialist  
Office of Petitions



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PETERS VERNY , L.L.P.  
425 SHERMAN AVENUE  
SUITE 230  
PALO ALTO CA 94306

MAILED  
AUG 24 2010  
OFFICE OF PETITIONS

In re Application of :  
Joseph Y. Sahyoun :  
Application No. 12/221,992 : DECISION ON PETITION  
Filed: August 8, 2008 : UNDER 37 CFR 1.137(b)  
Attorney Docket No. 3607.25 :

This is a decision on the petition, filed May 26, 2010, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on August 5, 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. § 22(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

- (1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
- (2) the petition fee as set forth in 37 CFR 1.17(m); and
- (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of December 2, 2010 accompanies this decision on petition.

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

This application is being forwarded to Technology Center Art Unit 2614 for examination in due course.

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/221,992	08/08/2008	Joseph Y. Sahyoun	3607.25

CONFIRMATION NO. 3895

23308  
PETERS VERNY , L.L.P.  
425 SHERMAN AVENUE  
SUITE 230  
PALO ALTO, CA 94306

NONPUBLICATION RESCISSION  
LETTER



Date Mailed: 08/20/2010

**Communication Regarding Rescission Of  
Nonpublication Request and/or Notice of Foreign Filing**

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 12/02/2010.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"<sup>1</sup> 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.

<sup>1</sup> 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".

/kainabinet/

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



NIXON & VANDERHYE, PC  
901 NORTH GLEBE ROAD, 11<sup>TH</sup> FLOOR  
ARLINGTON, VA 22203

**MAILED**

**MAR 02 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
Angelina Dekker et al	:	
Application No. 12/222,092	:	ON PETITION
Filed: August 1, 2008	:	
Attorney Docket No. DETERMINING PRESENCE OF ANTIBIOTIC IN A FLUID	:	

This is a decision on the petition, filed March 1, 2011 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

**Petitioner is advised that the issue fee paid on February 1, 2011 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.**

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

This matter is being referred to Technology Center AU 1657 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/  
Irvin Dingle  
Petitions Examiner  
Office of Petitions

---

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



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Table with columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO., EXAMINER, ART UNIT, PAPER NUMBER, NOTIFICATION DATE, DELIVERY MODE.

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)
The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Handwritten signature of Mimi James

Patent Publication Branch
Office of Data Management

App. Ref: 08/11/2010 NFAKES 0904473283
2509120433
FC: 9334

Adjustment date: 08/11/2010 NFAKES
08/05/2010 MAHEDI 02000023 12222173
E2 FC01111 -510.00 OF



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/222,229	08/05/2008	Takahiko Orita	1341.1630	2020
21171	7590	08/10/2011	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			LIN, SUN J	
			ART UNIT	PAPER NUMBER
			2825	
			MAIL DATE	DELIVERY MODE
			08/10/2011	PAPER

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

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



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AUG 10 2011

CT

In re application of	:	DECISION ON REQUEST TO
Robert C. Zietlow et al	:	PARTICIPATE IN PATENT
Serial No. 12/722,229	:	PROSECUTION HIGHWAY
Filed: March 11, 2010	:	PROGRAM AND
For: RESEALABLE MULTI-PLY	:	PETITION TO MAKE SPECIAL
LABEL CONSTRUCTION	:	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 13, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

Application No. 12/722,229

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof if the latest international work product is not in the English language; and

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

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

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

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

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

/Christine Tierney/

---

Christine Tierney  
Quality Assurance Specialist  
Technology Center 1700



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**MAILED**

SEP 14 2010

**OFFICE OF PETITIONS**

Stephen R. Greiner, Esquire  
GREINER LAW OFFICES, P.C.  
Suite 110  
6701 Democracy Blvd.  
Bethesda MD 20817

In re Application of	:	
Ronald E. EYLER	:	
Application No. 12/222,311	:	DECISION ON PETITION
Filed: August 7, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 4111.02	:	37 CFR 1.102(c)(1)
	:	

This is a response to the petition under 37 CFR 1.102(c)(1), filed May 18, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from applicant Ronald E. Eyler that the applicant is 65 years of age or older as required under MPEP § 708.02. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to David Bucci at 571-272-7099.

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

The application is being forwarded to the Technology Center Art Unit 3724 for action on the merits commensurate with this decision.

  
David Bucci  
Petitions Examiner  
Office of Petitions



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P.O. Box 1450  
Alexandria, VA 22313-1450  
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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, LLP  
901 NEW YORK AVENUE, NW  
WASHINGTON DC 20001-4413

MAILED

AUG 19 2010

OFFICE OF PETITIONS

In re Application of :  
Pierre BALASKOVIC :  
Application No. 12/222,355 : DECISION ON PETITION  
Filed: August 7, 2008 :  
Attorney Docket No. 10370.0012-00000 :

This is a decision on the petition, filed October 19, 2009, 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 REQUIREMENT FOR STATEMENT UNDER §305(c) OF THE NATIONAL AERONAUTICS AND SPACE ACT (Notice) of April 3, 2009, which set a ONE (1) month non-extendable statutory period for reply. A reply was due on or before May 3, 2009. A Notice of Abandonment was mailed on September 25, 2009, stating that no reply has been received.

Petitioner states that a reply was in fact timely filed. To support this assertion, petitioner has submitted a copy of a return postcard which acknowledges receipt by the U.S. Patent and Trademark Office (USPTO) on April 2, 2009 of, *inter alia*, a response to the Form PTOL-456 (previously mailed by the Office on August 29, 2008) and a declaration from Pierre Balaskovic. A copy of the previously submitted correspondence accompanies the petition.

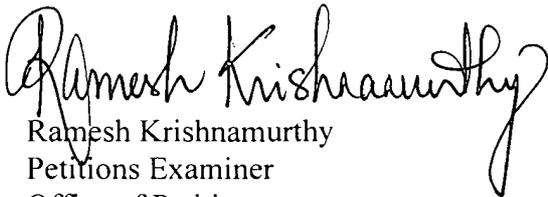
The correspondence acknowledged as having been received in the USPTO on April 2, 2009, is not of record in the application file and has not to date been located. However, MPEP 503 states that "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO." Accordingly, it is concluded that the correspondence of April 2, 2009, was timely received in the USPTO but lost after receipt thereof.

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

The copy of the correspondence supplied with the petition will be accepted in place of the correspondence shown to have been received by the USPTO on April 2, 2009.

This application is being referred to Technology Center Group Art Unit 3644 for appropriate action in view of this decision.

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

  
Ramesh Krishnamurthy  
Petitions Examiner  
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/222,364	08/07/2008	Tatsuya Nagahama	137769	2992
7590 04/05/2011 OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850			EXAMINER SHAFER, RICKY D	
			ART UNIT	PAPER NUMBER
			2872	
			NOTIFICATION DATE	DELIVERY MODE
			04/05/2011	ELECTRONIC

**DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)**

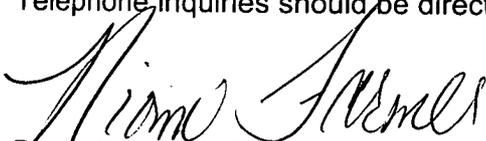
*The declaration of express abandonment is recognized*

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.

  
 Nicole Jones  
 Patent Publication Branch  
 Office of Data Management



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/222,428	08/08/2008	Nobuyuki Miyake	138048	3412
7590 09/16/2010 OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850			EXAMINER HJERPE, RICHARD A	
			ART UNIT 2629	PAPER NUMBER
			NOTIFICATION DATE 09/16/2010	DELIVERY MODE 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.

*Nanni Armerly*  
Patent Publication Branch  
Office of Data Management

Adjustment Date: 09/15/2010  
08/11/2008 DENY: 00000005 1222428  
22 F:1111 -510.00 07



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/222,464	08/08/2008	Chad A. Mirkin	083847-0425	2980
22428	7590	03/15/2011	EXAMINER	
FOLEY AND LARDNER LLP			SAHU, MEENAKSHI S	
SUITE 500			ART UNIT	PAPER NUMBER
3000 K STREET NW			2881	
WASHINGTON, DC 20007			MAIL DATE	DELIVERY MODE
			03/15/2011	PAPER

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

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



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March 14, 2011

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

In re Application of :  
Chad A. Mirkin, et al : **DECISION ON PETITION**  
Application No. 12222464 :  
Filed: 08/08/2008 :  
Attorney Docket No. 083847-0425 :

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) October 31, 2007.

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

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

April 21, 2011

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

In re Application of :  
Chad A. Mirkin, et al : **DECISION ON PETITION**  
Application No.12222464 :  
Filed: 08/08/2008 : **ACCEPTANCE OF COLOR**  
Attorney Docket No. 083847-0425 : **DRAWINGS**

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) April 13, 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



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

**MAILED**

**AUG 08 2011**

**OFFICE OF PETITIONS**

In re Patent No. 7,954,166 : DECISION ON REQUEST  
Mirkin, et al. : FOR  
Issue Date: May 31, 2011 : RECONSIDERATION OF  
Application No. 12/222,464 : PATENT TERM ADJUSTMENT  
Filed: August 8, 2008 : and  
Atty Docket No.083847-0425 : NOTICE OF INTENT TO ISSUE  
: CERTIFICATE OF CORRECTION

This is a decision on the petition filed on July 28, 2011, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by two hundred and seventy-nine (279) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by two hundred and seventy-nine (279) days is **GRANTED**.

The petition fee of \$200.00 under 37 CFR 1.18(e) is noted. No additional fees are required.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by two hundred and seventy-nine (279) days.

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

/Kenya A. McLaughlin/

Kenya A. McLaughlin  
Senior Petitions Attorney  
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

**DRAFT COPY**

UNITED STATES PATENT AND TRADEMARK OFFICE

**CERTIFICATE OF CORRECTION**

PATENT : 7,954,166 B2

DATED : May 31, 2011

INVENTOR(S) : Mirkin, 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 (240) days

Delete the phrase "by 240 days" and insert – by 279 days--

**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): 12222477	Patent Number (if applicable):
First Named Inventor: NAGAFUCHI	Title of Invention: POWER DEMAND AND SUPPLY-ADJUSTMENT SYSTEM AND METHOD

**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 /Chun-Pok Leung/	Date 2011-05-19
Name (Print/Typed) Chun-Pok Leung	Practitioner Registration Number 41,405
<p><b>Note:</b> Signatures of all the inventors, § 1.41(b) applicants, or assignees of record of the entire interest or their representative(s), or reexamination requesters at the appeal stage are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.</p>	
<input type="checkbox"/> *Total of _____ forms are submitted.	

## Privacy Act Statement

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

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

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



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**MATTINGLY & MALUR, PC**  
**1800 DIAGONAL ROAD**  
**SUITE 370**  
**ALEXANDRIA VA 22314**

**MAILED**  
**MAY 20 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Nagafuchi et al. :  
Application No. 12/222,477 : **DECISION ON PETITION**  
Filed: August 11, 2008 :  
Attorney Docket No. NIP-250-02 :

This is a decision on the 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).

The request for relief is **GRANTED**.

In the above-identified application, an Office action was mailed on February 2, 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 3691 for re-mailing the Office action of February 2, 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](http://www.uspto.gov)

Patent No. : **7958318**  
Ser. No. : **12/222726**  
Inventor(s) : **SAKATA, HIDEKI**  
Issued : **06/07/2011**  
Title : **COHERENCY MAINTAINING DEVICE AND COHERENCY  
MAINTAINING METHOD**  
Docket No. : **1341.1604**

Re: Request for Certificate of Correction

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

In regards to the alleged error(s) in the Claims, Claim 10, Line 11 has been denied by the Examiner. See the attached form.

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

A Certificate of Correction will be issued for the remaining errors.

Omega Lewis  
For Mary Diggs  
Decisions & Certificates  
Of Correction Branch  
(703)756-1575 or (703) 756-1814

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

OL

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

**DATE** : 8-15-11

**TO SPE OF** : ART UNIT 2185

**SUBJECT** : Request for Certificate of Correction for Appl. No.: 12222726 Patent No.: 7958318

CofC mailroom date: 7-28-11

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

**FOR IFW FILES:**

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

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

**FOR PAPER FILES:**

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

**Certificates of Correction Branch (CofC)  
Randolph Square – 9D40-E  
Palm Location 7580**

Note: \_\_\_\_\_

Omega Lewis

703-756-1575

**Thank You For Your Assistance**

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

Note your decision on the appropriate box.

**Approved**

All changes apply.

**Approved in Part**

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

**Denied**

State the reasons for denial below.

**Comments:** In the C of C, Claim 10, line 11, delete "inquiring" and insert ---acquiring---. All other changes apply.

\_\_\_\_\_  
/Sanjiv Shah/

\_\_\_\_\_  
2185

**SPE**

**Art Unit**



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Alexandria, VA 22313-1450  
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GWIPS

Peter T. Kwon

Gwacheon P.O. Box 72

119 Byeolyang Ro

Gwacheon City, Gyeonggi-Do 427-6-00 KR KOREA, REPUBLIC OF

**MAILED**  
**SEP 26 2011**  
**OFFICE OF PETITIONS**

In re Application of

Choi, et al.

Application No. 12/222,759

Filed: August 15, 2008

Attorney Docket No. P8165/NAMY

:  
:  
:  
:  
:

ON PETITION

This decision is in response to the "Petition for Change Name of the Company," filed August 18, 2011. As no specific rule was cited in the petition nor was a specific fee submitted, this matter is being treated pursuant to 37 CFR 1.181 as a petition for which no fee is due.

Petitioners herein state: "With respect to the above identified Patent Application, the Applicants renamed their company as SDN Company Ltd. Accordingly, the applicants want to change their company's name in their Patent and Assignment Recordation in the USPTO system."

As the name requested appears to have been recorded before the USPTO Assignment Division at Reel/Frame Number 026938/0485, the petition submitted herewith is deemed moot.

Accordingly, the petition is hereby DISMISSED AS MOOT.

*/ALESIA M. BROWN/*

Alesia M. Brown  
Attorney Advisor  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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.
12/222,793	08/15/2008	Vincent Gorla	16506	5981
293 DOWELL & DOWELL P.C. 103 Oronoco St. Suite 220 Alexandria, VA 22314	7590 11/03/2011		EXAMINER ONIGBANJO, QUAM OLANREWAJU	
			ART UNIT 3735	PAPER NUMBER
			MAIL DATE 11/03/2011	DELIVERY MODE PAPER

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

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

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
12/222,793	15 August 2008	GORIA, VINCENT	16506

DOWELL & DOWELL P.C.  
103 Oronoco St.  
Suite 220  
Alexandria, VA 22314

EXAMINER
----------

QUAM ONIGBANJO

ART UNIT	PAPER
4134	20110520

DATE MAILED:

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

**Commissioner for Patents**

In view of the papers filed 10/13/2009, it has been found that this nonprovisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 CFR 1.48(a). The inventorship of this application has been changed by Wendy M. Slade to include Philippe Grise as an inventor.

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

/KEVIN C. SIRMONS/  
Supervisory Patent Examiner, Art Unit 3767

/QUAM ONIGBANJO/  
Examiner, Art Unit 4134



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Commissioner for Patents  
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August 12, 2011

ANTONELLI, TERRY, STOUT & KRAUS, LLP  
1300 NORTH SEVENTEENTH STREET  
SUITE 1800  
ARLINGTON VA 22209-3873

In re Application of :  
HISADA, AKIKO et, al : **DECISION ON PETITION**  
Application No. 12/222,889 :  
Filed: 08/19/2008 : **ACCEPTANCE OF COLOR**  
Attorney Docket No. 1021.49156 X00 : **DRAWINGS**

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) August 19, 2008.

The petition is **GRANTED**.

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

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

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

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

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



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EDWARDS ANGELL PALMER & DODGE LLP  
P.O. BOX 55874  
BOSTON, MA 02205

**MAILED**

SEP 13 2010

OFFICE OF PETITIONS

In re Application of	:
Izuru Shikata, et al.	:
Application No. 12/223,022	:
Filed: July 21, 2008	:
Attorney Docket No. 82240(302960)	:

DECISION ON PETITION

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

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

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

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

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Office of Data Management at their hotline 571-272-4200.

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

  
 April M. Wise  
 Petitions Examiner  
 Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
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**MAILED**

**NOV 07 2011**

**OFFICE OF PETITIONS**

**FROMMER LAWRENCE & HAUG  
745 FIFTH AVENUE- 10TH FL.  
NEW YORK NY 10151**

In re Application of :  
Anwer Achmedschanow :  
Application No. 12/223,098 : **DECISION ON PETITION**  
Filed: October 28, 2008 :  
Attorney Docket No. 500711-20009 :

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed March 3, 2011, which set a shortened statutory period for reply of three (3) months. A three month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on September 7, 2011. A Notice of Abandonment was mailed on 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 an amendment, (2) the petition fee of \$930, (3) a proper statement of unintentional delay. Accordingly, the amendment is accepted as being unintentionally delayed.

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

This application is being referred to Technology Center AU 3671 for appropriate action by the Examiner in the normal course of business on the reply received October 13, 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/223,112	07/23/2008	Yasunori Ohtsuka	1163-0677PUS1	4983
2292	7590	12/14/2010	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			DAGER, JONATHAN M	
			ART UNIT	PAPER NUMBER
			3663	
			NOTIFICATION DATE	DELIVERY MODE
			12/14/2010	ELECTRONIC

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

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

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

mailroom@bskb.com



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[www.uspto.gov](http://www.uspto.gov)

DEC 13 2010

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

In re application of : **DECISION ON REQUEST TO**  
Ohtsuka et al. : **PARTICIPATE IN PATENT**  
Application No. 12/223,112 : **PROSECUTION HIGHWAY**  
Filed: July 23, 2008 : **PROGRAM AND PETITION**  
For: EQUIPMENT FOR VEHICLE AND : **TO MAKE SPECIAL UNDER**  
COMMUNICATION INTERFACE : **37 CFR 1.102(a)**  
CIRCUIT FOR USE IN THIS EQUIPMENT

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed October 21, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

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

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of 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 complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

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

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

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

          / Mikado Buiz /

Mikado Buiz,  
Quality Assurance Specialist  
Technology Center 3600

BM/BM: 12/10/10



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24 AUG-2010

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

In re Application of	:	DECISION ON RENEWED
MOTTERLINI et al	:	
Application No.: 12/223,171	:	
Int. Application: PCT/GB2007/000198	:	
Int. Filing Date: 23 January 2007	:	REQUEST UNDER
Priority Date: 24 January 2006	:	
Attorney's Docket No.: BJS-620-504	:	
For: THERAPEUTIC DELIVERY OF CARBON	:	
MONOXIDE	:	37 CFR 1.497(d)

This is a decision on applicants' "RENEWED REQUEST UNDER 37 CFR 1.497(d)" filed on 30 June 2010.

**BACKGROUND**

In a decision from this Office mailed on 16 March 2010, the decision indicated that the request was dismissed because the request did not satisfy item (3) of 37 CFR 1.497(d).

On 30 June 2010, applicants filed the current renewed request, which included specifying the reel and frame number of the assignment.

**DISCUSSION**

A review of the renewed request reveals that applicant has satisfied item (3) of 37 CFR 1.497(d) as the assignment has been recorded at reel 023014, frame 0674.

Accordingly, applicants are deemed to satisfy items (1) - (3) under 37 CFR 1.497(d).

**CONCLUSION**

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

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing consistent with this decision.

Rafael Bacares  
PCT Legal Examiner  
PCT Legal Office  
Telephone: (571) 272-3276  
Facsimile: (571) 273-0459



15 SEP 2010

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Jones Day  
222 East 41st St  
New York, NY 10017

In re Application of:	:	
ALKEMADE et al.	:	
Application No.: 12/223,181	:	
PCT No.: PCT/AU2006/001291	:	
Int. Filing Date: 04 September 2006	:	DECISION ON PETITION
Priority Date: 25 January 2006	:	
Attorney Docket No.: 012077-0005-999	:	
For: REMOVAL OF SEDIMENT FROM A	:	
CONTAINER HOLDING LIQUID	:	

This decision is issued in response to applicants' "Petition under 37 CFR 1.47(a) and 1.497 For Acceptance of Declaration/Power of Attorney Executed By One of the Two Named Co-Inventors" filed 19 July 2010 to accept the application without the signature of joint-inventor, Patrick William ALKEMADE.

**BACKGROUND**

On 04 September 2006, applicants filed international application PCT/AU2006/001291 which claimed a priority date of 25 January 2006. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 25 July 2008.

On 24 July 2008, applicants filed a Transmittal Letter for entry into the national stage accompanied, *inter alia*, by: the requisite basic national fee; a copy of the international application and a preliminary amendment.

On 01 June 2010, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 19 July 2010, applicants filed the present petition under 37 CFR 1.47(a) and three-month extension of time.

**DISCUSSION**

Applicants claim that co-inventor Patrick William ALKEMADE refuses to cooperate in the above-captioned application.

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17, (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the nonsigning joint inventor.

Applicants here have submitted the appropriate petition fee. Item (1) is therefore satisfied.

Regarding item (2), the petition asserts that the nonsigning inventor has refused to execute the declaration. Before a refusal to execute the application can be claimed, section 409.03(d) of the MPEP requires that the nonsigning inventor be provided with a copy of the complete application, including specification, drawings and claims. The MPEP also requires "a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made."

The 37 CFR 1.47(a) applicants provided evidence that a complete copy of the subject application was sent to the last known address of the nonsigning inventor on 14 April 2010 via UPS International. The documents provided to Patrick William ALKEMADE included instructions that the sign and return the declaration. Further, the subject petition noted that the documents were delivered to Patrick William ALKEMADE on 19 April 2010. These materials provide the required firsthand statement regarding the delivery to the nonsigning inventor of a copy of the complete application, and the nonsigning inventor's refusal to execute the application, with documentary evidence supporting the statement. Item (2) is therefore satisfied.

Regarding item (3), applicants have provided the last known address of the nonsigning inventor. Accordingly, item (3) is therefore satisfied.

Regarding item (4), section 409.03(a) of the Manual of Patent Examining Procedure ("MPEP") states that:

An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the available joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed declarations executed by one of the two inventors and including an unsigned signature box identifying the nonsigning inventor (Patrick William ALKEMADE). This declaration is treated as having been executed by the available inventors on their behalf and on behalf of the nonsigning inventor. Item (4) is therefore satisfied.

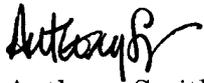
For the reasons stated above, it is appropriate to accept the application without the signature of Patrick William ALKEMADE under 37 CFR 1.47(a) at this time.

**CONCLUSION**

The petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record. A notice of the filing of the application under 37 CFR 1.47(c) will be published in the Official Gazette.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.



Anthony Smith  
Attorney-Advisor  
Office of PCT Legal Administration  
Telephone: (571) 272-3298

15 SEP 2010



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Patrick William ALKEMADE  
90 Hoyt Street  
Lindenow, Victoria 3865  
Australia

In re Application of:  
ALKEMADE et al.  
Application No.: 12/223,181  
PCT No.: PCT/AU2006/001291  
Int. Filing Date: 04 September 2006  
Priority Date: 25 January 2006  
Attorney Docket No.: 012077-0005-999  
For: REMOVAL OF SEDIMENT FROM A  
CONTAINER HOLDING LIQUID

Dear Patrick William ALKEMADE:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

A handwritten signature in black ink, appearing to read "Anthony Smith".

Anthony Smith  
Attorney-Advisor  
Office of PCT Legal Administration  
Telephone: (571) 272-3298

Counsel of Record:  
Jones Day  
222 East 41st St  
New York, NY 10017



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FISH & RICHARDSON P.C.  
P.O. BOX 1022  
MINNEAPOLIS, MN 55440-1022

Applicant: Hihnala, et al.  
Appl. No.: 12/223,187  
International Filing Date: February 9, 2007  
Title: PROCESS FOR PRODUCING A COMPOSITE FOOD CASING  
Attorney Docket: 24762-0003US1  
Pub. No.: US 2010/0255230 A1  
Pub. Date: October 7, 2010

MAILED  
AUG 16 2011  
OFFICE OF PETITIONS

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on November 24, 2010, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because patent application publication contains a material error in the Assignee name and an error in claims 17 and 18.

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.<sup>1</sup>

The error noted by requestor with respect to the assignees name wherein “Visko Teepak Beligum NV, Lommel (BE)” was misprinted as “Eriksson Capital AB, Mariehamn, (FI)” is not an Office error, the assignee name was printed as provided on the application data sheet (ADS). A misprint of the assignee’s name does not affect the understanding of the application. Applicant should not file requests for corrected publication when a publication includes errors in the assignee’s name or assignment information. See MPEP 1130.

The errors noted by requestor in claim 17 wherein “shirring” was misprinted as “shining” and in claim 18 where “shirred” was misprinted as “shined” are not material Office errors as required

<sup>1</sup>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).

under 37 CFR 1.221(b). The errors in claim 17 and 18 are clearly typographical errors, thus, one of ordinary skill in the art would clearly understand the nature of the typographical error and would not be misled as to the scope of the claim. This error therefore 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.

A Filing receipt was mailed on July 2, 2010, which listed the assignee as "Eriksson Capital AB, Mariehamn, (FI)". To avoid this type of problem in the future applicant's representative should correct the error, if applicable and make a request for a corrected filing receipt prior to export of the application to the publisher and publication of the application.

Applicants are encouraged to use and submit an eADS (PTO/SB/14) as an EFS-Web Fillable Form, rather than a scanned PDF image, to benefit from having the data loaded directly into USPTO electronic systems. For questions contact the Patent EBC (Electronic Business Center): Telephone: 1-866-217-9197 (toll-free) or E-mail: [ebc@uspto.gov](mailto:ebc@uspto.gov)  
571-272-4100 (local)

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

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

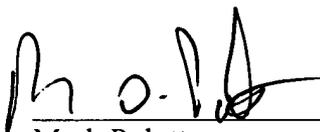
<http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp>

OR

[http://www.uspto.gov/ebc/portal/efs/pgpub\\_quickstart.pdf](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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**CLARK & ELBING LLP  
101 FEDERAL STREET  
BOSTON MA 02110**

**MAILED**

**AUG 18 2010**

**OFFICE OF PETITIONS**

In re Application of :  
James Micah Atkin :  
Application No. 12/223,198 :  
Filed: October 16, 2008 :  
Attorney Docket No. 50365/005001 :

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 14, 2010.

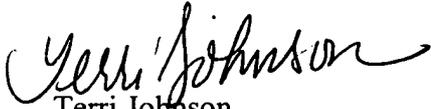
The request is **NOT APPROVED**.

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

The request cannot be approved because the proper certifications were not made on the PTO/SB/63 form. Boxes 1 & 2 were left unchecked.

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

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



Terri Johnson  
Petitions Examiner  
Office of Petitions

cc: **MYCROLAB PTY LTD.**  
**70 Hanover Street**  
**Victoria, 3065**  
**Australia**



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**CLARK & ELBING LLP**  
101 Federal Street  
Boston, MA 02110

**MAILED**

SEP 30 2010

**OFFICE OF PETITIONS**

In re Application of :  
Micah James Atkin :  
Application No. 12/223,198 :  
Filed: August 27, 2009 :  
Attorney Docket No. GAL01001 :

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. § 1.136(b), filed August 30, 2010.

The request is **APPROVED**.

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

The request was signed by Karen L. Elbing on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

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



Terri Johnson  
Petitions Examiner  
Office of Petitions

cc: **MYCROLAB PTY LTD.**  
**70 Hanover Street**  
**Fitzroy, Victoria 3065**  
**Australia**



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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/223,198	10/16/2008	Micah James Atkin	50365/005001

**CONFIRMATION NO. 5365**

**POWER OF ATTORNEY NOTICE**



Date Mailed: 09/17/2010

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

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 08/30/2010.

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

/tsjohnson/

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



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**MAILED**  
**AUG 25 2011**  
**OFFICE OF PETITIONS**

MYCROLAB PTY LTD.  
70 Hanover Street  
Fitzroy, Victoria 3065  
AUSTRALIA

In re Application of :  
Atkin :  
Application No. 12/223,198 : **ON PETITION**  
Filed: October 16, 2008 :  
Attorney Docket No. N/A :  
For: STAMPING METHODS AND  
DEVICES

This is a decision on the petition under 37 CFR 1.181, filed August 15, 2011, to withdraw the holding of abandonment in the above-identified application.

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

Any request for reconsideration of this decision 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.

This application became abandoned for failure to timely reply to the non-final Office action, mailed December 13, 2010, which set a three month extendable shortened statutory period for reply. Applicants purchased a three month extensions of time pursuant to 37 CFR 1.136(a) on May 25, 2011. However, applicants did not file a reply to the Office action by June 13, 2011. This application became abandoned on June 14, 2011. A Notice of Abandonment was mailed on July 12, 2011.

Petitioners request withdrawal of the holding of abandonment because due to a mail delivery failure, applicants did not receive the Office action in question in due time. Upon learning of the mailing of the Office action, applicants attempted to purchase a five month extension of time and paid \$1,175.00. Thus, applicants believed they had until August 13, 2011 to file a reply.

Applicants disclose the company had moved premises in late 2010 and arranged for mail to be diverted. Applicants are informed that applicants are responsible for specifying a correct correspondence address. The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this

decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

A delay caused by the failure to provide the Office with a current correspondence address does not constitute an unavoidable delay. See Ray v. Lehman, 55 F.3d 606, 34 USPQ2d 1786 (Fed. Cir. 1995). Applicants must keep the Office abreast of their correspondence address.

Applicants disclose that they believed they had until August 13, 2011 to respond to the December 13, 2010 Office action. Applicants are informed that it is not possible to purchase a five month extension of time to respond to an Office action. 37 CFR 1.136(a) permits an applicant to file a petition for extension of time and a fee as set forth in 37 CFR 1.17(a) up to 5 months after the end of the time period set to take action except where prohibited by statute or by one of the items listed in the rule. The maximum extendable period of time to reply to the non-final Office action is provided by statute and is 6 months. 35 U.S.C. 133

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).

The petition under 37 CFR 1.181 to withdraw the holding of abandonment is **dismissed**. The application became abandoned on June 14, 2011 for failure to reply to the December 13, 2010 non-final Office action in a timely fashion.

Regarding fees: Applicants submitted a five month \$1,175.00 extension of time on May 25, 2011. The maximum extendable period for reply was 6 months. The Office will retain a \$555.00 three month extension of time. Applicants overpaid by \$620.00.

It is noted that applicants filed a RCE on August 15, 2011. An applicant cannot request continued examination of an application until after prosecution in the application is closed. See 37 CFR 1.114(a). Prosecution in an application is closed if the application is under appeal, or the last Office action is a final action (37 CFR 1.113), a notice of allowance (37 CFR 1.311), or an action that otherwise closes prosecution in the application (e.g., an Office action under Ex parte Quayle, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935)). As none of the situations apply, the RCE filed on August 15, 2011 is improper. The Office was able to charge \$270.00 to applicants' credit card. (For future reference, the small entity RCE filing fee is \$405.00.) The \$270.00 fee is unnecessary.

Petitioners are encouraged to file a petition to revive under the unintentional delay standard of 37 CFR 1.137(b), because, as discussed above, the circumstances surrounding the delay were **not** unavoidable. Please find enclosed a blank form PTO/SB/64 – PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b). The current Rule 137(b) petition fee is \$810.00. Applicants have overpaid by \$890.00 (\$620.00 + 270.00). Petitioners should request the Office apply \$810.00 toward the petition fee and refund the \$80.00 remainder when they file a Rule 137(b) revival petition.

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

- By mail:** Mail Stop PETITION  
Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450
- By hand:** U.S. Patent and Trademark Office  
Customer Service Window, Mail Stop Petition  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314
- By FAX:** (571) 273-8300 - ATTN: Office of Petitions
- By internet:** EFS-Web  
[www.uspto.gov/ebc/efs\\_help.html](http://www.uspto.gov/ebc/efs_help.html)  
(for help using EFS-Web call the  
Patent Electronic Business Center  
at (866) 217-9197)

Telephone inquiries may be directed to the undersigned at (571) 272-3230.



Shirene Willis Brantley  
Senior Petitions Attorney  
Office of Petitions

CC: MYCROLAB DIAGNOSTICS PTY LTD  
12/291 WICKHAM RD  
MOORABBIN, MELBOURNE  
VIC 3189  
AUSTRALIA

ENCLOSURE: blank form PTO/SB/64 – PETITION FOR REVIVAL OF AN  
APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY  
UNDER 37 CFR 1.137(b)



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12/291 WICKHAM RD  
MOORABBIN, MELBOURNE  
VIC 3189  
AUSTRALIA

**MAILED**

FEB 27 2012

OFFICE OF PETITIONS

In re Application of :  
Atkin :  
Application No. 12/223,198 : ON PETITION  
Filed: October 16, 2008 :  
Attorney Docket No. N/A :  
For: STAMPING METHODS AND :  
DEVICES :

This is a decision on the renewed petition under 37 CFR 1.181, filed October 24, 2011, to withdraw the holding of abandonment in the above-identified application.

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

Any request for reconsideration of this decision 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.

It appears that the present renewed petition is almost identical to the initial petition filed on August 15, 2011 and dismissed on August 25, 2011.

This application became abandoned for failure to timely reply to the non-final Office action, mailed December 13, 2010, which set a three month extendable shortened statutory period for reply. Applicant attempted to purchase a five month extensions of time pursuant to 37 CFR 1.136(a) on May 25, 2011. Applicant is informed that it is not possible to purchase more than a three month extension of time to respond to a non-final Office action. (There is a further explanation on this matter later in the body of this decision.) Unfortunately, applicant did not file a reply to the Office action by the six month deadline, June 13, 2011. This application became abandoned on June 14, 2011. A Notice of Abandonment was mailed on July 12, 2011.

Petitioner requests withdrawal of the holding of abandonment because due to a mail delivery failure, applicant did not receive the Office action in question in due time. Upon learning of the mailing of the Office action, applicant attempted to purchase a five month extension of time and paid \$1,175.00. Thus, applicant believed he had until August 13, 2011 to file a reply.

Applicant discloses the company had moved premises in late 2010 and arranged for mail to be diverted. Applicant is informed that applicant is responsible for specifying a correct correspondence address.

A delay caused by the failure to provide the Office with a current correspondence address does not constitute an unavoidable delay. See Ray v. Lehman, 55 F.3d 606, 34 USPQ2d 1786 (Fed. Cir. 1995). Applicant must keep the Office abreast of his current correspondence address.

Applicant discloses that he believed he had until August 13, 2011 to respond to the December 13, 2010 Office action. Applicant is informed that it is not possible to purchase a five month extension of time to respond to an Office action. 37 CFR 1.136(a) permits an applicant to file a petition for extension of time and a fee as set forth in 37 CFR 1.17(a) up to 5 months after the end of the time period set to take action except where prohibited by statute or by one of the items listed in the rule. The maximum extendable period of time to reply to the non-final Office action is provided by statute and is 6 months. 35 U.S.C. 133

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).

The petition under 37 CFR 1.181 to withdraw the holding of abandonment is **dismissed**. The application became abandoned on June 14, 2011 for failure to reply to the December 13, 2010 non-final Office action in a timely fashion.

Regarding fees: Applicant submitted a five month \$1,175.00 extension of time on May 25, 2011. The maximum extendable period for reply was 6 months. The Office will retain a \$555.00 three month extension of time. Applicant overpaid by \$620.00. In addition, applicant paid two \$270.00 fees for the filing of a RCE on August 15, 2011 and its resubmission on October 24, 2011. (For future reference, the current small entity RCE filing fee is \$465.00.)

An applicant cannot request continued examination of an application until after prosecution in the application is closed. See 37 CFR 1.114(a). Prosecution in an application is closed if the application is under appeal, or the last Office action is a final action (37 CFR 1.113), a notice of allowance (37 CFR 1.311), or an action that otherwise closes prosecution in the application (e.g., an Office action under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935)). As none of the situations apply, the RCE filed on August 15, 2011 is improper.

It is noted that applicant resubmitted a RCE on October 24, 2011. The RCE is improper for the same reason stated in the preceding paragraph.

Petitioner is encouraged to file a petition to revive under the unintentional delay standard of 37 CFR 1.137(b), because, as discussed above, the circumstances surrounding the delay were **not** unavoidable. Please find enclosed a blank form PTO/SB/64 – PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR

1.137(b). The current Rule 137(b) petition fee is \$930.00. Applicant overpaid/paid unnecessary fees on May 25, 2011 (\$620.00), on August 15, 2011 (\$270.00) , and on October 24, 2011 (\$270.00). Petitioner should request the Office apply the overpayment/unnecessary fees toward the \$930.00 petition fee and request a refund of the \$230.00 balance when he files a Rule 137(b) revival petition.

The Change of Correspondence Address, filed September 12, 2011, has been entered and made of record.

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

- By mail:** Mail Stop PETITION  
Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450
- By hand:** U.S. Patent and Trademark Office  
Customer Service Window, Mail Stop Petition  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314
- By FAX:** (571) 273-8300 - ATTN: Office of Petitions
- By internet:** EFS-Web  
[www.uspto.gov/ebc/efs\\_help.html](http://www.uspto.gov/ebc/efs_help.html)  
(for help using EFS-Web call the  
Patent Electronic Business Center  
at (866) 217-9197)

Telephone inquiries may be directed to the undersigned at (571) 272-3230.

  
Shirene Willis Brantley  
Senior Petitions Attorney  
Office of Petitions

ENCLOSURE: blank form PTO/SB/64 – PETITION FOR REVIVAL OF AN  
APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY  
UNDER 37 CFR 1.137(b)



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**DEC 08 2011**

**PCT LEGAL ADMINISTRATION**

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

In re Application of: :  
BECK, Thomas, et al. : DECISION ON PETITION UNDER  
U.S. Application No.: 12/223,204 : 37 CFR 1.78(a)(3)  
PCT No.: PCT/EP2007/050101 :  
International Filing Date: 05 January 2007 :  
Priority Date: 24 January 2006 :  
Attorney's Docket No.: 2005P20091WOUS :  
For: METHOD FOR PRODUCING A HOLE :

This decision is issued in response to the "Petition to Accept a Delayed Claim for Benefit under 35 USC 120" filed on 07 November 2011, considered herein under 37 CFR 1.78(a)(3).

For the reasons discussed below, the petition is **DISMISSED** without prejudice.

A petition for acceptance of a delayed claim for priority under 37 CFR 1.78(a)(3) is appropriate where, as here, the later-filed application was filed after 29 November 2000 and the applicant seeks to add, after the expiration of the time period set forth in 37 CFR 1.78(a)(2)(ii), a claim of benefit under 35 U.S.C. 120 and 365(c) to a prior-filed U.S. national stage application. A grantable petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference to the prior-filed application required by 35 U.S.C. 120 and 37 CFR 1.78(a)(2)(i), unless previously submitted;
- (2) the surcharge set forth in 37 CFR 1.17; 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.

For the reasons discussed below, the present petition fails to satisfy item (1) above.

The present petition was accompanied by an amendment seeking to add the following benefit claim to the application:

This application also claims the benefits of U.S. application No. 10/574,724, which is US [sic] 7,816,625 filed on April 6, 2006, which is the U.S. National Stage of International Application No. PCT/EP2004/009793, filed on September 2, 2004, both of the applications are incorporated by reference herein in their entirety.

However, as set forth in 37 CFR 1.78(a)(2)(i), the reference required for an acceptable benefit claim must "indicate the relationship of the applications." Regarding the "relationship of the applications," MPEP section 201.11(III)(A) states as follows:

The relationship between the applications is whether the instant application is a continuation, divisional, or continuation-in-part of the prior nonprovisional application. An example of a proper benefit claim is "this application is a continuation of prior Application No. ---, filed ---." A benefit claim that merely states that "this application claims the benefit of Application No. ---, filed ---" does not comply with 35 U.S.C. 120 and 37 CFR 1.78(a)(2)(i), since the relationship between the applications is not stated.

The amendment filed by applicants with the present petition does not indicate the relationship between the present application and U.S. application 10/574,724, stating only that the application "claims the benefits of" the prior-filed application. The reference to the prior-filed application is therefore not in acceptable form.

The amendment filed by applicants is also unacceptable as filed because it indicates that the contents of the prior-filed application referred to therein (i.e., U.S. application 10/574,724, the national stage of PCT/EP2004/009793) is "incorporated by reference herein." As set forth in MPEP section 201.06(c)(IV) (emphasis added):

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 Indus. v. Banner*, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980).

Here, the application as filed did not include an incorporation by reference statement with respect to U.S. application 10/574,724, the national stage of international application PCT/EP2004/009793. Thus, the inclusion in the present proposed amendment of an incorporation by reference statement directed to such application is improper.

Based on the above, the reference to U.S. application 10/574,724, the U.S. national stage of PCT/EP2004/009793, contained in the proposed amendment filed with the present petition is not acceptable as filed. Item (1) of a grantable petition under 37 CFR 1.78(a)(3) is therefore not satisfied on the present record, and the petition is appropriately dismissed.

Any renewed petition under 37 CFR 1.78(a)(3) must be accompanied by a substitute amendment (or supplemental Application Data Sheet) containing an acceptable reference to the prior-filed application that properly identifies the relationship of the present application to the prior-filed application and does not include an inappropriate incorporation by reference statement. No additional petition fee is required.

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

/RichardMRoss/

Richard M. Ross  
Attorney Advisor  
Office of PCT Legal Administration  
(571) 272-3296



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

In re Application of:	:	
BECK, Thomas, et al.	:	DECISION ON RENEWED
U.S. Application No.: 12/223,204	:	PETITION UNDER
PCT No.: PCT/EP2007/050101	:	37 CFR 1.78(a)(3)
International Filing Date: 05 January 2007	:	
Priority Date: 24 January 2006	:	
Attorney's Docket No.: 2005P20091WOUS	:	
For: METHOD FOR PRODUCING A HOLE	:	

This decision is issued in response to the "Renewed Petition to Accept a Delayed Claim for Benefit under 35 USC 120" filed on 28 December 2011.

For the reasons discussed below, the renewed petition is **GRANTED**.

The decision mailed 28 December 2011 dismissed without prejudice applicants' petition under 37 CFR 1.78(a)(3) because applicants had not submitted an acceptable reference to the prior-filed application, U.S. application number 10/574,724. Specifically, the amendment filed by applicant with the previous petition did not contain a statement of the relationship between the present application and the prior-filed application, and it included an improper incorporation by reference statement directed to the prior-filed application.

The present renewed petition was accompanied by a revised amendment to the first sentence of the description that contains an acceptable reference stating that the present application is "a continuation-in-part of U.S. Application No. 10/574,724 filed on April 6, 2006 (now U.S. patent 7,816,625), which is the U.S. National Stage of International Application No. PCT/EP2004/009793, filed on September 2, 2004." This amendment states the relationship of the present application to the prior-filed application (i.e., "continuation-in-part"), as required, and it does not include the improper incorporation by reference statement that was present in the previous amendment.

The present submission satisfies the final outstanding requirement of a grantable petition under 37 CFR 1.78(a)(3) to add an unintentionally delayed benefit claim directed to the prior-filed U.S. application. Applicants' petition is therefore appropriately granted.

*The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed application. In order for this*

***application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the Filing Receipt accompanying this decision on petition will include 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 directed to U.S. application 10/574,724, accompanies this decision on petition.

Any questions concerning this decision may be directed to the undersigned. All other inquiries concerning either the examination procedures or status of the application should be directed to Group Art Unit 3742.

/RichardMRoss/

Richard M. Ross  
Attorney Advisor  
Office of PCT Legal Administration  
Telephone: (571) 272-3296

ATTACHMENT: Corrected Filing Receipt



09 SEP 2010

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

21559  
CLARK & ELBING LLP  
101 Federal Street  
Boston, MA 02110

In re Application of :  
ATKIN *et al* :  
U.S. Application No.: 12/223,215 :  
PCT No.: PCT/AU2007/000061 :  
Int. Filing Date: 24 January 2007 :  
Priority Date: 24 January 2006 :  
Attorney Docket No.: 50365/006001 :  
For: METHODS FOR LOW COST :  
MANUFACTURING OF COMPLEX :  
LAYERED MATERIALS AND DEVICE :

**DECISION**

This decision is in response to the request to withdraw as attorneys of record and change of correspondence address filed 14 July 2010.

As set forth in 37 CFR 1.36(b), a registered attorney or agent may withdraw, upon application to and approval by the Director, so long as sufficient time remains for applicant to respond to any pending action. In the present case, the request to withdraw is signed by Karen L. Elbing, on behalf of the attorneys associated with customer number 21559.

There is currently no action required on this application within the next 30 days, so the requirement of "at least 30 days between *approval* of withdrawal and the later of the expiration date of a time period for reply or the expiration date of the period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a)," is satisfied. See MPEP § 402.06.

For the reasons above, the request to withdraw as agents of record is **GRANTED** as to the attorneys associated with customer number 21559.

All future communication will be directed to the assignee, MYCROLAB PTY LTD.

James Thomson  
Attorney Advisor  
Office of PCT Legal Administration

Tel.: (571) 272-3302



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**MCKENNA LONG & ALDRIDGE LLP  
1900 K STREET, NW  
WASHINGTON DC 20006**

**MAILED  
DEC 30 2010  
OFFICE OF PETITIONS**

In re Application of :  
Hyuk Yoon, et al. :  
Application No. 12/223,258 : DECISION GRANTING PETITION  
Filed: July 25, 2008 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. 29137.321.00-US :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, December 30, 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 December 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.<sup>1</sup>***

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

This application is being referred to Technology Center AU 2871 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Terri Johnson/  
Terri Johnson  
Petitions Examiner  
Office of Petitions

---

<sup>1</sup> 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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In re Application of  
Jerzy Jozef Lewak

:  
:

Application No. 12223275

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

Filed: July 25, 2008

:

Attorney Docket No. SPEED-002-PAP

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 27-JAN-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.



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SAN FRANCISCO OFFICE OF  
NOVAK DRUCE + QUIGG LLP  
1000 LOUISIANA STREET  
FIFTY-THIRD FLOOR  
HOUSTON TX 77002

**MAILED**  
NOV 16 2011  
**OFFICE OF PETITIONS**

In re Application of	:	
Jerzy Jozef Lewak, et al.	:	
Application No. 12/223,275	:	DECISION ON PETITION
Filed: July 25, 2008	:	TO WITHDRAW
Attorney Docket No. 19270.0007.PCUS00	:	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, 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 K. McKnight on behalf of all attorneys of record who are associated with customer No. 65761. All attorneys/agents associated with the Customer Number 65761 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: SPEEDTRACK, INC.  
18340 YORBA LINDA BLVD.  
SUITE 107-194  
YORBA LINDA, CA 92886



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/223,275	07/25/2008	Jerzy Jozef Lewak	19270.0007.PCUS00

**CONFIRMATION NO. 6748**

**POWER OF ATTORNEY NOTICE**



65761  
SAN FRANCISCO OFFICE OF  
NOVAK DRUCE + QUIGG LLP  
1000 LOUISIANA STREET  
FIFTY-THIRD FLOOR  
HOUSTON, TX 77002

Date Mailed: 11/09/2011

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 10/25/2011.

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

/amwise/

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



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DLA PIPER US LLP  
2000 AVENUE OF THE STARS  
SUITE 400 NORTH TOWER  
LOS ANGELES CA 90067-4704

**MAILED**  
MAR 29 2012  
**OFFICE OF PETITIONS**

In re Application of :  
Shin-Ichi Sakai :  
Application No. 12/223,364 : **DECISION ON REQUEST FOR REFUND**  
Filed: July 29, 2008 :  
Attorney Docket No. 374966-000002 :

This is a decision on the Request For Refund filed March 5, 2012.

The request is **GRANTED**.

Applicant files the above request for refund and states that “On September 23, 2011, a correct charge was made to the undersigned’s Deposit Account in the correct amounts of \$300.00 for publication fee, \$15.00 for 5 copies of the issued patent and \$755.00 for payment of the issue fee as the Issue Fee was correctly and timely paid on September 22, 2011 as small entity (since small entity was previously established). **However, the undersigned’s template for the Part B – Issue Fee Transmittal form contained an error in that Box No. 5(b) was checked off erroneously stating “applicant is no longer claiming SMALL ENTITY status” and the Issue Fee Transmittal form dated September 22, 2011 for this case was submitted to the Patent Office with that unintentional error (copy attached).** On October 5, 2011, the Patent Office then refunded \$755.00 by of credit to the undersigned’s deposit account (for the small entity issue fee amount) and charged \$1,510.00 for a large entity issue fee amount as shown in the attached current Fee Payment History Table from PAIR dated March 5, 2012. A letter and revised Form Part B – Issue Fee Transmittal dated December 15, 2011 were sent to the Patent Office to correct the error and authorize the Patent Office to credit back the overpayment of the large entity issue fee amount (copies attached). However, to date, the Patent Office has not yet **credited** back to the undersigned’s Deposit Account the large entity issue fee amount and also has not charged for the correct small entity issue fee amount so that the correct charge for this case is once again the small entity issue fee amount of \$755.00. ....”

A review of Office finance records for the above-identified application indicates that a total of \$1,510.00 was credited back to applicant’s deposit account no. 07-1896 on accounting date of March 14, 2012. However, the small entity issue fee payment of \$755.00 has not been re-

Application No. 12/223,364

-2-

applied. Therefore, a total of \$755.00 has been re-charged to applicant's deposit account and the status of the above-identified application will reflect that of small entity status.

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

/KOC/  
Karen Creasy  
Petitions Examiner  
Office of Petitions

29 SEP 2010



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DENNISON, SCHULTZ & MACDONALD  
1727 KING STREET  
SUITE 105  
ALEXANDRIA VA 22314

In re Application of	:	
Jeffrey	:	
Application No.: 12/223,376	:	DECISION
PCT No.: PCT/GB2007/000315	:	
Int. Filing Date: 01 February 2007	:	ON
Priority Date: 02 February 2006	:	
Attorney Docket No.: 08065	:	PETITION
For: Flotation Device	:	

This is in response to the renewed petition under 37 CFR 1.47(b) filed on 02 August 2010.

**DISCUSSION**

In a Decision mailed on 07 June 2010, the petition under 37 CFR 1.47(b) filed on 21 April 2010 was dismissed, without prejudice, because requirements (4), (5) and (6) had not been satisfied.

Concerning requirement (4), petitioner has now submitted an appropriate statement under 37 CFR 3.73(b). As such, requirement (4) now has been satisfied.

Regarding requirement (5), an appropriate statement under 37 CFR 3.73(b) now has been provided.

With respect to requirement (6), petitioner now has made a statement that according the application status under 37 CFR 1.47(b) is necessary to preserve the rights of the parties or to prevent irreparable damage.

**DECISION**

The petition under 37 CFR 1.47(b) is **GRANTED**.

As provided in 37 CFR 1.47(b), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(b) will be published in the Official Gazette.

This application is being returned to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **21 April 2010**.

/George Dombroske/  
George Dombroske  
PCT Legal Examiner

**Appln. No. 12/223,376**

**Page 2**

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Tel: (571) 272-3283

29 SEP 2010



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Peter Jeffrey  
98 South Mossley Hill Road  
Liverpool L19 9BJ  
ENGLAND (UK)

In re Application of :  
Jeffrey :  
Application No.: 12/223,376 :  
PCT No.: PCT/GB2007/000315 :  
Int. Filing Date: 01 February 2007 :  
Priority Date: 02 February 2006 :  
Attorney Docket No.: 08065 :  
For: Flotation Device :

Dear Mr. Jeffrey:

You are named as sole 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(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3283. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Requests for information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1(800) 972-6382 (outside the Washington D.C. area).

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/George Dombroske/  
George Dombroske  
PCT Legal Examiner  
Office of PCT Legal Administration  
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## OFFICIAL GAZETTE NOTICE

### 37 CFR 1.47 Notice by Publication

Notice is hereby given of the filing of an application with a petition under 37 CFR 1.47 requesting acceptance of the application without the signature of the sole inventor. The petition has been granted. A notice has been sent to the last known address of the non-signing inventor. The inventor whose signature is missing (Peter JEFFREY) may join in the application by promptly filing an appropriate oath or declaration complying with 37 CFR 1.63. The international application number is PCT/GB2007/000315 and was filed on February 1, 2007 in the name of Peter JEFFREY for the invention entitled FLOTATION DEVICE. The national stage application number is 12/223,376 and has a 35 U.S.C. 371(c)(1), (2) and (4) date of April 21, 2010.

Doc Code: PPH.PCT.882

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

PTO/SB/20PCT-EP (08-18)

Approved for use through 01/31/2012 OMB 889-0058

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## 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:	12/223,384	Filing date:	July 30, 2008
First Named Inventor:	Harald Karl GRETSCH		

Title of the invention: **Systems for Checking the Loading of a Print Form Magazine and Systems for Transporting at Least One**

**THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EFW/EFW\\_HELP.HTML](http://www.uspto.gov/efw/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/EP2007/050624**

The international date of the corresponding PCT application(s) is/are: **January 23, 2007**

### I. List of Required Documents:

a. A copy of the latest international work product (WO/ISA, WO/SPEA, 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.

[Page 1 of 2]

This collection of information is required by 35 U.S.C. 112, 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 be paid by the USPTO in processing 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 (under appropriate fee reduction) should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1402, Alexandria, VA 22304-1402. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.



# KARIN T. DUNN

## GERMAN TRANSLATION AND LANGUAGE SERVICES

Certified by the American Translators Association

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Date: October 1<sup>st</sup>, 2010

### DECLARATION

The undersigned, Karin T. Dunn, hereby states that she is well acquainted with both the English and German languages and that the attached is a true translation to the best of her knowledge and ability of the German text of the amended claims submitted with the International Preliminary Report on Patentability for PCT/EP2007/050624, which was filed on 23 January 2007 and was published on 16 August 2007 as WO 2007/090732 A2.

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

  
Karin T. Dunn

**KARIN T. DUNN****GERMAN TRANSLATION AND LANGUAGE SERVICES**

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Date: July 28, 2008

DECLARATION

The undersigned, Karin T. Dunn, hereby states that she is well acquainted with both the English and German languages and that the attached is a true translation to the best of her knowledge and ability of the German text of PCT/EP2007/050624, filed on 1/23/2007 and published on 8/16/2007 under No. WO 2007/090732 A2.

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

  
Karin T. Dunn

Translation of the pertinent portions of a Notification of the Transmittal of the International Preliminary Report Regarding Patentability in accordance with Rule 71.1 PCT, mailed on 05/29/2008

2. This report comprises a total of 7 pages including this cover sheet.
3. Enclosures are also included with the report; these include

A total of 7 pages (*sent to the applicant and to the International Authority*), which include

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

4. This report contains information on the following items:

Box I Basis of the Report

Box IV Lack of unity of the invention

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

**Box I            Basis of the Report**

1. With regard to **language**, the opinion has been established on the basis of:  
the international application in the language in which it was filed.
2. With regard to the **components** of the international application the report is based upon:

**Description, pages**

2, 3, 5-63	in the originally filed version
1, 1a, 4, 4a	received on 01/10/2008 with the letter dated 01/07/2008

**Claims, No.**

1-34	in the originally filed version
35-48	received on 01/10/2008 with the letter dated 01/07/2008

**Drawings, pages**

1/41-41/41	in the originally filed version
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**Box IV            Lack of Unity of the Invention**

1. In response to the invitation to restrict the claims or to pay additional fees, the applicant has, within the applicable time limit:

Paid the additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is

Not complied with for the following reasons:

See attached sheet

4. Consequently, the report has been established in respect of the following parts of the international application:

All parts

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

1. Statement

Novelty (N)	Yes: Claims 1-48
	No: Claims

Inventive Step (IS)	Yes: Claims 1-48
	No: Claims

Industrial Applicability (IA)	Yes: Claims 1-48
	No: Claims

2. Citations and Explanations (Rule 70.7):

See supplementary pages

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

**Re Item IV.**

Claims 39-48 correspond to claims 39-50, upon which the Search Report was based. New claim 39 is a combination of the original claims 39 and 40. The lack of unity of claims 1-38 and claims 39-41 was already established in the Search Report. This Authority has determined that the international application contains multiple inventions or groups of inventions, which are not connected to one another by a single, shared inventive idea (Rule 13.1 PCT), namely:

1. Claims 1-38
2. Claims 39-48

The reason for this, which may be found in the Search Report, is the same as for the originally filed claims 1-38 and 39-41.

**Re Item V.**

Reference is made to the following document(s):

- D1: DE-A-41 30 359
- D2: US-A-4 727 807
- D5: EP-A-1 435 292
- D6: EP-A-1 002 646
- D7: DE-B-103 14 341

1. Invention (claims 1-38)

The **closest prior art** is described in DE-A-41 30 359 (D1) or US-A-4 727 807 (D2). The two documents disclose a system according to the preamble to claim 1 or 3. The object of claim 1 differs from that of D1/D2 in that the detection zone of the code reader detects the respective codes of at least two printing formes that are arranged adjacent to one another in the printing forme magazine, together and simultaneously. The object of claim 3 differs from that of D1/D2 in that the code reader has an image sensor and an illumination device, which illuminates the detection zone.

The object of claims 1 and 3 is therefore novel as defined by Article 33(2) PCT. The object of the invention is to increase process dependability in a printing press and to decrease costs.

The attainment of this object is enabled by the above-stated characterizing features. The number of code readers can be decreased by using the embodiment claimed in claim 1, which results in a cost saving. The embodiment claimed in claim 3 enables a reliable detection of the codes applied to the printing plates.

The documents cited in the Search Report, considered either alone or in combination with one of the listed documents, are not able to suggest the object of claim 1. Therefore, the object of claim 1 and 3 is based upon an inventive step as defined by Article 33(3) PCT.

## 2. Invention (claims 39-48)

Document D5, which represents the closest prior art, describes a system, which is intended to eliminate all manually performed processes required to supply a printing plate to a cylinder (paragraph [0005]). In paragraph [0003] the problem of supplying a plurality of printing plates to a cylinder is addressed. Although a printing forme magazine is not explicitly mentioned, it is implied in the system described in document D5, because without such a magazine, it would not be possible to automatically supply a plurality of printing plates. D5 therefore describes a system for supplying a printing forme (1) that is stored in a printing forme magazine to a cylinder (3), wherein a code that has been applied to the printing forme (column 3, lines 27-28) is detected by a code reader (paragraph [0012]; means for reading the identification code ...), which is connected to an evaluation unit (paragraph [0012]; loading sequence ... is stored in a central control and command unit). Accordingly, the object of claim 39 differs from that according to D5 in that information relating to the conveyance of each printing forme from the printing plate storage device to the cylinder is stored in a memory unit, wherein, from the recording of a specific number of printing formes that have already been supplied to a specific printing point of the cylinder, the evaluation unit or the other recording unit derives information as to whether the printing point on the cylinder, to which the printing forme that is currently stored in the printing forme magazine is to be supplied, is free for the mounting of this printing forme.

The object to be attained with the invention can be viewed as to ensure an error-free loading of the printing cylinder in the process of automatically supplying printing plates.

The evaluation unit of D5 has a memory unit, in which the allocation plan for the printing plates for the respective cylinder is stored, and is compared with the actually supplied printing plates. The method according to D5 does not record the processes of supplying the printing formes, so that the current loading of the cylinder cannot be clearly determined. This characterizing feature is not suggested by D5 or by the general knowledge in the field, as it is associated with higher systems expenditure. Consequently, the object of claims 39-48 is based upon an inventive step as defined by Article 33(3) PCT.

## Claims

1. System for checking the loading of a printing forme magazine (39), wherein at least two printing formes (37) are stored in the printing forme magazine (39), wherein each of these printing formes (37) has at least one code, wherein at least one code reader (71) is provided, wherein the code reader (71) detects the codes of the printing formes (37) in a detection zone (108), characterized in that the detection zone (108) of the code reader (71) detects the respective code of at least two printing formes (37) that are arranged adjacent to one another, horizontally or vertically, in the printing forme magazine (39), together and simultaneously.
2. System according to claim 1, characterized in that the code reader (71) has an image sensor (107) and an illumination device that illuminates the detection zone (108).
3. System for checking the loading of a printing forme magazine (39), wherein at least two printing formes (37) are stored in the printing forme magazine (39), wherein each of these printing formes (37) has at least one code, wherein at least one code reader (71) is provided, wherein the code reader (71) detects the codes of the printing formes (37) in a detection zone (108), characterized in that the code reader (71) has an image sensor (107) and an illumination device that illuminates the detection zone (108).
4. System according to claim 3, characterized in that the detection zone (108) of the code reader (71) detects the respective code of at least two printing formes (37) that are stored adjacent to one another, horizontally or vertically, in the printing forme magazine (39), together and simultaneously.

5. System according to claim 1 or 3, characterized in that the detection zone (108) of the code reader (71), which detects the respective code of the printing formes (37), has an angled or round cross-sectional surface.
6. System according to claim 2 or 3, characterized in that the image sensor (107) is configured as a CCD sensor or as a CMOS sensor.
7. System according to claim 2 or 3, characterized in that the image sensor (107) images the codes detected by the detection zone (108) of the code reader (71), simultaneously in its image plane.
8. System according to claim 5 and 7, characterized in that the cross-sectional surface of the detection zone (108) of the code reader (71) and the image plane of the image sensor (107) are arranged parallel to one another.
9. System according to claim 7, characterized in that the image plane of the image sensor (107) is subdivided into a plurality of selectively activatable inspection zones (109), wherein each of these inspection zones (109) images precisely one of the codes detected by the detection zone (108).
10. System according to claim 9, characterized in that the inspection zones (109) can be read out sequentially.
11. System according to claim 1 or 3, characterized in that the printing forme magazine (39) has at least four storage positions arranged side by side in the axial direction of a cylinder (33), on the circumferential surface of which printing formes (37) that are stored in the printing forme magazine (39) are to be mounted, wherein one printing forme (37) is to be stored in each of the storage positions.

12. System according to claim 1 or 3, characterized in that the printing forme magazine (39) has at least two storage positions arranged vertically, one above another, wherein one printing forme (37) is stored in each of the storage positions.
13. System according to claim 1 or 3, characterized in that the code reader (71) is a component of a camera system.
14. System according to claim 2 or 3, characterized in that at least one light source of the illumination device is embodied as a laser diode or as a light-emitting diode.
15. System according to claim 14, characterized in that the light source of the illumination device emits white, yellow or green light.
16. System according to claim 1 or 3, characterized in that the image sensor (107) and the light source of the illumination device are arranged with their respective active directions at an angle of inclination of at least 5° in relation to a vertical line extending from the surface (101) of the code.
17. System according to claim 1 or 3, characterized in that the image sensor (107) and the light source of the illumination device are arranged with their respective active directions at an angle of inclination that ranges from 10° to 60° in relation to a vertical line extending from the surface (101) of the code.
18. System according to claim 1 or 3, characterized in that the code reader (71) is arranged a minimum distance (a71) of 10 mm from the surface (101) of the code.

19. System according to claim 1 or 3, characterized in that the code is configured two-dimensionally as a 2-D code.
20. System according to claim 1 or 3, characterized in that the code is configured as a data matrix code.
21. System according to claim 1 or 3, characterized in that the code is configured as an RFID label, which transmits information in a contactless fashion.
22. System according to claim 1 or 3, characterized in that the code is configured in the form of a stamped marking.
23. System according to claim 1 or 3, characterized in that the code reader (71) converts structural elements (102) acquired from the code into usable electronic information.
24. System according to claim 1 or 3, characterized in that the code reader (71) evaluates an image acquired from the code by comparing the detected code pattern with a stored, expected pattern.
25. System according to claim 1 or 3, characterized in that the code is configured on a suspension leg (13; 14) of each of the printing formes (37) stored in the printing forme magazine (39).
26. System according to claim 1 or 3, characterized in that the code of the printing formes (37) has an index that continuously counts the printing formes (37).
27. System according to claim 1 or 3, characterized in that printing formes (37) made of a

metallic material, made of plastic, or made of a paper are stored in the printing forme magazine (39).

28. System according to claim 1 or 3, characterized in that printing formes (37) that may be used in a dry offset printing process are stored in the printing forme magazine (39).
29. System according to claim 1 or 3, characterized in that the printing formes (37) stored in the printing forme magazine (39) have their respective code in at least one side area of the trailing suspension leg (14) of the respective printing forme (37).
30. System according to claim 1 or 3, characterized in that at least one of the printing formes (37) stored in the printing forme magazine (39) is configured in a panorama format.
31. System according to claim 30, characterized in that the printing forme (37) configured in panorama format has its code at least in a central area of the trailing suspension leg (14) of this printing forme (37).
32. System according to claim 1 or 3, characterized in that the code reader (71) is permanently installed, connected to the printing forme magazine (39).
33. System according to claim 1 or 3, characterized in that the code reader (71), which is connected to the printing forme magazine (39), has two defined end positions, between which the code reader (71) can move.
34. System according to claim 1 or 3, characterized in that the code reader (71), which is connected to the printing forme magazine (39), has a position of rest and a working

working position.

35. System according to claim 34, characterized in that in the position of rest of the code reader (71), the cross-sectional surface of its detection zone (108) is arranged substantially perpendicular to the code plane (101) of the code that has been applied to a printing forme (37).
36. System according to claim 34, characterized in that when the code reader (71) is in its working position, the cross-sectional surface of its detection zone (108) is arranged vertically, substantially parallel to the code plane (101) of the code, which has been applied to a printing forme (37).
37. System according to claim 34, characterized in that the code reader (71) is arranged above the printing forme magazine (39) in its position of rest.
38. System according to claim 33, characterized in that, in its position of rest, the code reader (71) directs the optically active side of its image sensor (107) in the direction of gravitational force.
39. Method for operating a system at least for supplying at least one printing forme (37) stored in a printing forme magazine (39) to a cylinder (33), wherein at least one code reader (71) detects at least one code on the printing forme (37), wherein an evaluation unit (114), which is connected to the code reader (71), or another recording device stores, in a memory unit, at least one piece of information relating to the printing forme (37), characterized in that the information stored in the memory unit relates to the supplying of each printing forme (37) stored in the printing forme magazine (39) to the cylinder (33), wherein, from the recording of at least a certain number of printing formes (37) that have already been supplied to a certain printing point on the cylinder (33), the

evaluation unit (114) or the other recording device derives information as to whether that printing point on the cylinder (33), to which the printing forme (37) that is currently stored in the printing forme magazine (39) is to be supplied, is free for the mounting of said printing forme (37).

40. Method according to claim 39, characterized in that a signaling unit (117) in the evaluation unit (114) or in the other recording device indicates any error that occurs in a loading of the printing forme magazine (39) with printing formes (37) and/or in the supplying of at least one of these printing formes (37) stored in the printing forme magazine (39) to the cylinder (33).
41. Method according to claim 39, characterized in that the evaluation unit (114) or the other recording unit has information from a production planning system (116) at its disposal.
42. Method according to claim 40, characterized in that the evaluation unit (114) or the other recording unit uses its signalling unit (117) to indicate a confusion in the printing formes (37) stored in storage spaces of the printing forme magazine (39), after comparing the code detected from the stored printing forme (37) with the information from the production planning system (116).
43. Method according to claim 40, characterized in that the evaluation unit (114) or the other recording unit uses its signalling unit (117) to indicate the correct storage position for a printing forme (37) that has been stored in an incorrect storage position in the printing forme magazine (39).
44. Method according to claim 40, characterized in that the evaluation unit (114) or the other

recording unit uses its signalling unit (117) to indicate a printing forme (37) that has erroneously been stored in a storage position in the printing forme magazine (39).

45. Method according to claim 40, characterized in that the evaluation unit (114) or the other recording unit uses its signalling unit (117) to indicate a printing forme (37) that has been stored in a storage position of the printing forme magazine (39) with an unreadable code.
46. Method according to claim 40, characterized in that the evaluation unit (114) or the other recording unit uses its signalling unit (117) to indicate the storage positions of the printing forme magazine (39) in which a reading error has occurred.
47. Method according to claim 40, characterized in that, to intentionally allow an error message issued by the signalling unit (117), a notice confirming knowledge of this error message is provided by the operator of the printing press.
48. Method according to claim 39 for operating a system having characterizing features according to one or more of claims 1 through 38.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/223,384	07/30/2008	Harald Karl Gretsch	W1.2678 PCT-US	7980
23294	7590	11/08/2010	EXAMINER	
JONES, TULLAR & COOPER, P.C. P.O. BOX 2266 EADS STATION ARLINGTON, VA 22202			YAN, REN LUO	
			ART UNIT	PAPER NUMBER
			2854	
			MAIL DATE	DELIVERY MODE
			11/08/2010	PAPER

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

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



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

**In re Application of**  
**Harald Karl GRETSCH**

**Application No.: 12/223,384**

**Filed: 30 July 2008**

**Attorney Docket No.: W1.2678 PCT-US**

**For: SYSTEMS FOR CHECKING THE  
LOADING OF A PRINT FORME  
MAGAZINE AND SYSTEMS FOR  
TRANSPORTING AT LEAST ONE  
PRINT FORME STORED IN A PRINT  
FORM MAGAZINE TO A CYLINDER**

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

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed 07 October 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

#### Discussion

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

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

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

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

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

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

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

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



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



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**WENDELL RAY GUFFEY  
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ST. LOUIS MO 63164**

**MAILED  
SEP 07 2011  
OFFICE OF PETITIONS**

In re Application of :  
Yuanlong PAN : ON PETITION  
Application No. 12/223,431 :  
Filed: July 30, 2008 :  
Atty. Docket No.: NO 8108/US/PCT :

This is a decision on the petition under 37 CFR 1.181, filed August 19, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application was held abandoned for failure to respond in a timely manner to the Requirement for Restriction/Election mailed January 28, 2011, which set a shortened period for reply of one (1) month. The application was held abandoned March 1, 2011. A Notice of Abandonment was mailed August 10, 2011.

Petitioner requests the Notice of Abandonment mailed August 10, 2011 be withdrawn as petitioner timely filed a response. Petitioner has provided a copy of the certificate of mailing with a date of February 18, 2011, and post card receipt USPTO-stamped February 22, 2011, as evidence of a timely filed response. In view of the evidence, the holding of abandonment is hereby withdrawn and the application restored to pending status.

The copy of the reply supplied with the petition will be accepted in place of the reply shown to have been received by the USPTO on February 22, 2011.

Telephone inquires regarding 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 1629 for further consideration of the reply.

for   
Anthony Knight  
Director  
Office of Petitions

19 AUG 2010



UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450  
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Muirhead and Saturnelli, LLC  
200 Friberg Parkway  
Suite 1001  
Westborough MA 01581

In re Application of :  
FROST et al. :  
U.S. Application No.: 12/223,502 : DECISION ON PETITION  
PCT No.: PCT/GB2007/000368 : UNDER 37 CFR 1.182  
International Filing Date: 02 February 2007 :  
Priority Date: 03 February 2006 :  
Attorney's Docket No.: VPM-02601 :  
For: NETWORK AND METHOD FOR OPTIMIZING :  
CELL RESELECTION BY USING AN :  
ESTIMATION OF MOBILITY OF A MOBILE :  
TERMINAL :

This decision is issued in response to applicants' "Response to Notification of Defective Response" filed 08 September 2009 and "Response to Notification of Missing Requirements - Notice of Typographical Correction of Inventor Name under 1893(e)" filed 29 October 2009 which are being treated as a Petition under 37 CFR 1.182, as explained below. The response (petition) seeks to correct the name of first inventor. The required \$400 petition has been charged to Deposit Account no. 50-3596.

### BACKGROUND

On 31 July 2008, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, the payment of the basic national fee; a copy of the international application; and a preliminary amendment.

On 20 October 2008, the United States Designated/Elected Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that the declaration in compliance with 37 CFR 1.497(a)-(b) was required. The notification set a two-month time limit in which to respond.

On 21 November 2008, applicants filed a declaration executed by: Tim Frost; Alessandro Goia; and Christopher Pudney.

On 29 January 2009, applicants submitted "Supplemental Response to Notice to File Missing Requirements - Submission of Supplemental Executed Declaration and Power of Attorney" which included a supplemental declaration executed by Timothy James Frost.

On 31 August 2009, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Defective Response (Form PCT/DO/EO/916) indicating that the declaration filed 29 January 2009 was not executed in accordance with 37 CFR 1.497(a)-(b) and does not properly identify the first inventor.

On 19 October 2009, the United States Designated/Elected Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that the declaration in compliance with 37 CFR 1.497(a)-(b) was required. The notification set a two-month time limit in which to respond.

On 29 October 2009, applicants filed "Response to Notification of Missing Requirements - Notice of Typographical Correction of Inventor Name under 1893(e)" considered herein.

### DISCUSSION

In the published international application, the first inventor was identified as Tim Frost. On the declaration filed 29 January 2009, this inventor was identified as Timothy James Frost. Section 1893.01(e) of the Manual Of Patent Examining Procedure ("MPEP") states the following:

Where ... the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c). However, where the discrepancy between the name of the inventor indicated in the international application during the international phase and the name of the inventor as it appears in the oath or declaration submitted under 37 CFR 1.497 is the result of a typographical or transliteration error, then a petition under 37 CFR 1.182 will not be required. In such case, the Office should simply be notified of the error.

Applicants state that the error was due to a "typographical error." In that this is clearly more than a mere typographical error of applicant's given name on the published international application, a proper petition under 37 CFR 1.182 is required in order to resolve the matter. Such a petition requires payment of the applicable \$400 petition fee and statements from the inventor and any other person(s) having first hand knowledge regarding the error/discrepancy in the inventor's name. Such statement(s) must confirm the correct name of the inventor, explain how the discrepancy in the inventor's name occurred, and state that the discrepancy occurred without deceptive intent.

Applicants' present petition included payment of the required petition fee. However, the response does not include the required statement from the inventor confirming his correct name and indicating that the listing of Tim Frost on the

international application occurred without deceptive intent. Accordingly, on the present record, correction of the name of the first inventor from Tim Frost to Timothy James Frost is not appropriate.

**CONCLUSION**

For the reasons above, the petition under 37 CFR 1.182 is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.182." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

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



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



Muirhead and Saturnelli, LLC  
200 Friberg Parkway  
Suite 1001  
Westborough MA 01581

**MAILED**

NOV 18 2010

PCT LEGAL ADMINISTRATION

In re Application of :  
FROST et al. :  
U.S. Application No.: 12/223,502 :  
PCT No.: PCT/GB2007/000368 :  
International Filing Date: 02 February 2007 :  
Priority Date: 03 February 2006 :  
Attorney's Docket No.: VPM-02601 :  
For: NETWORK AND METHOD FOR OPTIMIZING :  
CELL RESELECTION BY USING AN :  
ESTIMATION OF MOBILITY OF A MOBILE :  
TERMINAL :

RENEWED  
DECISION ON PETITION  
UNDER 37 CFR 1.182

This decision is issued in response to applicants' "Renewed Petition under 37 CFR 1.182" filed 21 October 2010.

### BACKGROUND

On 31 July 2008, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, the payment of the basic national fee; a copy of the international application; and a preliminary amendment.

On 20 October 2008, the United States Designated/Elected Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that the declaration in compliance with 37 CFR 1.497(a)-(b) was required. The notification set a two-month time limit in which to respond.

On 21 November 2008, applicants filed a declaration executed by: Tim Frost; Alessandro Goia; and Christopher Pudney.

On 29 January 2009, applicants submitted "Supplemental Response to Notice to File Missing Requirements - Submission of Supplemental Executed Declaration and Power of Attorney" which included a supplemental declaration executed by Timothy James Frost.

On 31 August 2009, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Defective Response (Form PCT/DO/EO/916) indicating that the declaration filed 29 January 2009 was not executed in accordance with 37 CFR 1.497(a)-(b) and does not properly identify the first inventor.

On 19 October 2009, the United States Designated/Elected Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that the declaration in compliance with 37 CFR 1.497(a)-(b) was required. The notification set a two-month time limit in which to respond.

On 29 October 2009, applicants filed "Response to Notification of Missing Requirements - Notice of Typographical Correction of Inventor Name under 1893(e)" which was treated as a petition under 37 CFR 1.182. In a decision dated 19 August 2010, applicants' petition under 37 CFR 1.182 was dismissed without prejudice.

On 21 October 2010, applicants filed "Renewed Petition under 37 CFR 1.182" considered herein.

### DISCUSSION

In the published international application, the first inventor was identified as Tim Frost. On the declaration filed 29 January 2009, this inventor was identified as Timothy James Frost. Section 1893.01(e) of the Manual Of Patent Examining Procedure ("MPEP") states the following:

Where ... the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c). However, where the discrepancy between the name of the inventor indicated in the international application during the international phase and the name of the inventor as it appears in the oath or declaration submitted under 37 CFR 1.497 is the result of a typographical or transliteration error, then a petition under 37 CFR 1.182 will not be required. In such case, the Office should simply be notified of the error.

Applicants state that the error was due to a "typographical error." In that this is clearly more than a mere typographical error of applicant's given name on the published international application, a proper petition under 37 CFR 1.182 is required in order to resolve the matter. Such a petition requires payment of the applicable \$400 petition fee and statements from the inventor and any other person(s) having first hand knowledge regarding the error/discrepancy in the inventor's name. Such statement(s) must confirm the correct name of the inventor, explain how the discrepancy in the inventor's name occurred, and state that the discrepancy occurred without deceptive intent.

Here, applicants' previous submission included \$400, satisfying the petition fee requirement. Additionally, applicants have submitted the required statement from the inventor confirming the name correction and that the error occurred without deceptive intent.

Based on applicants' statements herein, it is accepted that the correct full name for the first inventor is Timothy James FROST, as set forth on the declaration filed 29 January 2009.

**CONCLUSION**

Applicants' petition under 37 CFR 1.182 to correct the name of record for the first inventor herein is GRANTED.

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



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



UNITED STATES PATENT AND TRADEMARK OFFICE

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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.
12/223,509	12/16/2008	Mirko Loehn	O0308.70000US00	9014

23628 7590 09/28/2010  
WOLF GREENFIELD & SACKS, P.C.  
600 ATLANTIC AVENUE  
BOSTON, MA 02210-2206

EXAMINER
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SMITH, PRESTON

ART UNIT	PAPER NUMBER
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1782

MAIL DATE	DELIVERY MODE
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09/28/2010

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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Commissioner for Patents  
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P.O. Box 1450  
Alexandria, VA 22313-1450  
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September 28, 2010

BC

In re application of	:	DECISION ON REQUEST TO
Mirko Loehn et al.	:	PARTICIPATE IN PATENT
Serial No. 12/223,509	:	PROSECUTION HIGHWAY
Filed: July 30, 2008	:	PROGRAM AND
For: METHOD AND DEVICE FOR MULTI-	:	PETITION TO MAKE SPECIAL
STAGE PRODUCT FRYING	:	UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed August 02, 2010.

The request and petition are **DISMISSED**.

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

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the EPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the EPO 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 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 EPO examiner in the EPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and

The request to participate in the PPH program and petition fail because:

- (1) This U.S. application does not validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the EPO. Specifically, this U.S. application claims priority

Application No. 12/223,509

under 37 U.S.C. 371 to International Application No. PCT/NL2006/00051, filed on 30 January 2006, which did not claim priority to any earlier filed application.

Applicant is given a time period of **ONE MONTH OR THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected within the time period given, the application will await action in its regular turn.

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



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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.
12/223,509	12/16/2008	Mirko Lochn	O0308.70000US00	9014
23628	7590	10/25/2010	EXAMINER	
WOLF GREENFIELD & SACKS, P.C.			SMITH, PRESTON	
600 ATLANTIC AVENUE			ART UNIT	PAPER NUMBER
BOSTON, MA 02210-2206			1782	
			MAIL DATE	DELIVERY MODE
			10/25/2010	PAPER

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

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



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

October 25, 2010

BC

In re application of :  
Mirko Loehn et al. :  
Serial No. 12/223,509 :  
Filed: July 30, 2008 :  
For: METHOD AND DEVICE FOR MULTI- :  
STAGE PRODUCT FRYING :  
DECISION ON REQUEST TO  
PARTICIPATE IN PATENT  
PROSECUTION HIGHWAY  
PROGRAM AND  
PETITION TO MAKE SPECIAL  
UNDER 37 CFR 1.102(a)

This is a decision on the request for reconsideration to participate in the Patent Prosecution Highway (PPH) program filed October 05, 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 EPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the EPO 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 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 comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Application No. 12/223,509

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



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Jonathan M. Sparks  
Edwards Angell Palmer & Dodge  
P.O. Box 55874  
Boston, Massachusetts 02205

**MAILED**

**AUG 26 2010**

**PCT LEGAL ADMINISTRATION**

In re Application of :  
Hoke, et al. :  
Application No.: 12/223,571 : DECISION ON  
PCT No.: PCT/US2006/017444 :  
Int. Filing Date: 04 May 2006 : PETITION  
Priority Date: 02 February 2006 :  
Attorney's Docket No.: 65123US(71699) : UNDER 37 CFR 1.497(d)  
For: THERAPEUTIC ELECTROSPUN :  
FIBER COMPOSITIONS :

This decision in response to the "REQUEST FOR RECONSIDERATION" filed 12 November 2009. The petition fee has been paid.

**BACKGROUND**

On 04 May 2006, applicant filed international application PCT/US2006/017444 that claimed priority of an earlier U.S. provisional application filed 02 February 2006. Accordingly, the thirty-month period for paying the basic national fee for the national stage in the United States expired at midnight on 04 August 2008.

On 04 August 2008, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by an application data sheet, a preliminary amendment and the basic national fee as required by 35 U.S.C. 371(c). These papers were assigned application number 12/223,571.

On 12 November 2008, the United States Patent and Trademark Office in its capacity as an Elected Office mailed the "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905).

On 07 January 2009, applicant filed executed declarations.

On 10 April 2009, the DO/EO/US mailed a NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916).

On 05 June 2009, applicant filed a "PETITION FOR CORRECTION OF INVENTORSHIP." This request included statements by the inventor who wished to be removed from the application, written consent of the assignee and declarations signed by the original inventors and the inventor who wished to be removed from the application. Applicant also included the petition fee of \$130.00.

On 30 September 2009, a decision was mailed to applicant indicating that applicant had not filed a proper declaration in that one inventor was missing from two of the declarations. Further, applicant failed to provide the written consent of the assignee to remove inventor Chen.

On 12 November 2009, applicants filed a request for reconsideration.

DISCUSSION

37 CFR 1.497(d) states, in part:

If an oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) names an inventive entity different from the inventive entity set forth in the international application, applicant must submit (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part, (2) the processing fee set forth in § 1.17(i), and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee.

The requirements of (1) and (2) have been met earlier. The declaration filed on 12 November 2009 is accepted under 37 CFR 1.497(d).

CONCLUSION

The petition under 37 CFR 1.497(d) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 04 May 2006, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 12 November 2009.

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

  
Debra S. Brittingham  
PCT Special Programs Examiner  
PCT Legal Office  
Telephone: (571) 272-3280

  
Bryan Lin  
PCT Legal Examiner  
PCT Legal Office

<b>Notice to Comply</b>	Application No. 12223654	Applicant(s) Wisniewski	
	Examiner Audet	Art Unit 1654	

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- 7. Other:      Need SEQ ID NOS/sequence listing/CRF for peptides, e.g. claims 14-17; and all relevant specifications sections.

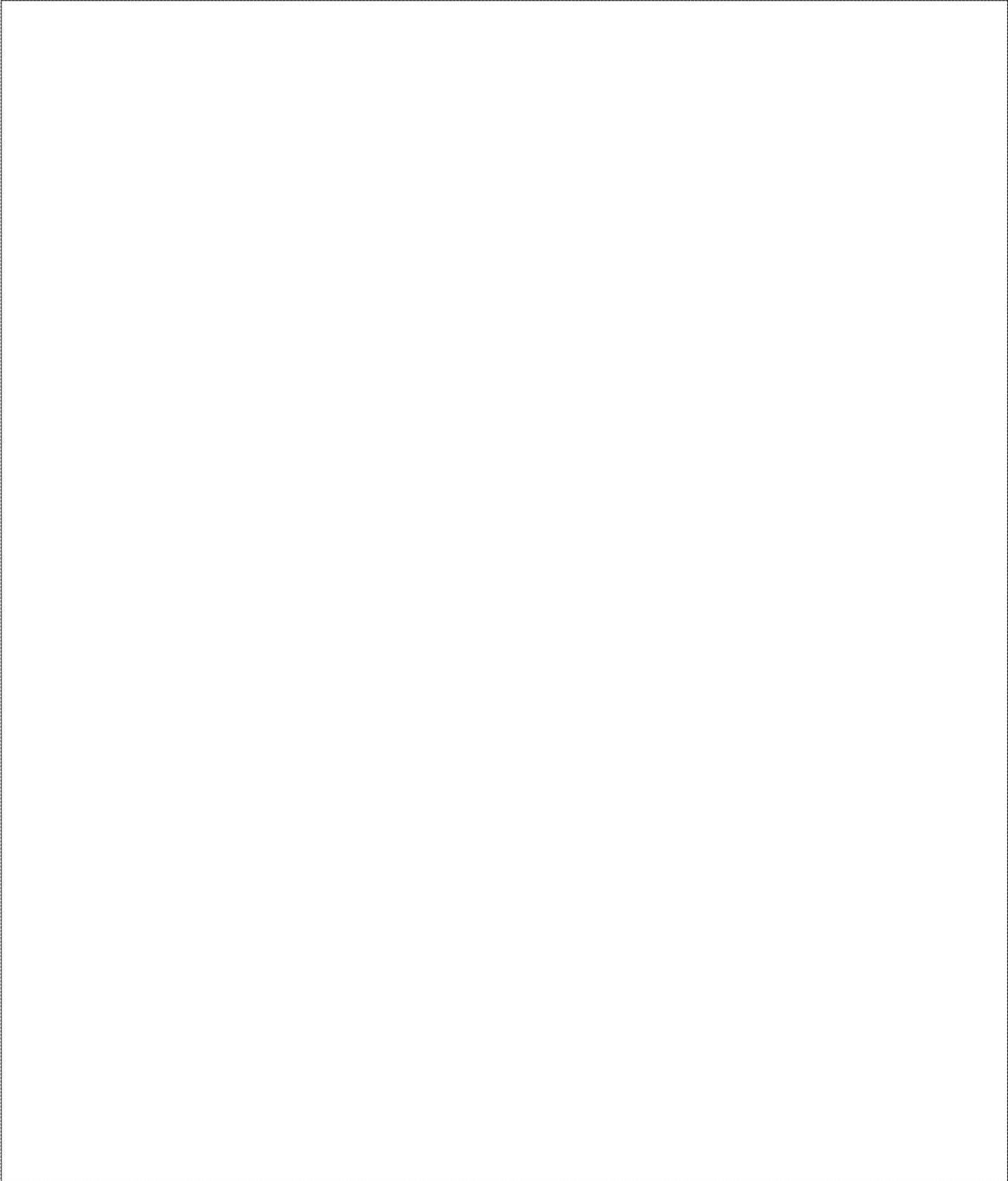
**Applicant Must Provide:**

- An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- An initial or substitute paper copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application.**
- A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (571) 272-0731 or (571) 272-0951  
For CRF Submission Help, call (571) 272-2510  
PatentIn Software Program Support  
Technical Assistance.1-866-217-9197 or 703-305-3028 or 571-272-6845  
PatentIn Software is Available At [www.USPTO.gov](http://www.USPTO.gov)

**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY**




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**BIB DATA SHEET**
**CONFIRMATION NO. 1838**

SERIAL NUMBER	FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.		
12/223,716	12/02/2008	370	2462	2080.1215		
<b>APPLICANTS</b> Thomas Malcolm Chapman, Southampton, UNITED KINGDOM; <b>** CONTINUING DATA *****</b> This application is a 371 of PCT/GB2007/050019 01/16/2007 <b>** FOREIGN APPLICATIONS *****</b> UNITED KINGDOM 0602399.8 02/07/2006 <b>** IF REQUIRED, FOREIGN FILING LICENSE GRANTED **</b> 03/06/2009						
Foreign Priority claimed <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 35 USC 119(a-d) conditions met <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Verified and Acknowledged <u>/HENRY BARON/</u> Examiner's Signature		<input type="checkbox"/> Met after Allowance Initials _____	<b>STATE OR COUNTRY</b> UNITED KINGDOM	<b>SHEETS DRAWINGS</b> 4	<b>TOTAL CLAIMS</b> 16	<b>INDEPENDENT CLAIMS</b> 2
<b>ADDRESS</b> STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005 UNITED STATES						
<b>TITLE</b> Method of Signalling Uplink Information						
<b>FILING FEE RECEIVED</b> 1060	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:		<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees (Filing) <input type="checkbox"/> 1.17 Fees (Processing Ext. of time) <input type="checkbox"/> 1.18 Fees (Issue) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit			



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STERNE, KESSLER, GOLDSTEIN  
& FOX P.L.L.C.  
1100 NEW YORK AVENUE, N.W.  
WASHINGTON DC 20005

PCT LEGAL ADMINISTRATION

In re Application of:	:	
BALGOBIND-NARAIN, et al.	:	
U.S. Application No.: 12/223,724	:	DECISION ON PETITION UNDER
PCT No.: PCT/EP2007/002715	:	37 CFR 1.137(b)
International Filing Date: 26 March 2007	:	
Priority Date: 04 April 2006	:	
Attorney's Docket No.: 2818.3710001	:	
For: LAUNDRY COMPOSITION WITH	:	
ENCAPSULATED LIQUID	:	
BENEFIT AGENT	:	

The petition for revival under 37 CFR 1.137(b) filed 23 February 2011 in the above-captioned application is hereby **GRANTED** as follows:

The present application became abandoned at midnight on 21 January 2009 due to applicants' failure to submit a proper response to the "Notification Of Missing Requirements" (Form PCT/DO/EO/905) mailed 21 November 2008. The abandonment was confirmed in the "Notification Of Abandonment" (Form PCT/DO/EO/903) mailed on 03 September 2009.

The present petition for revival was accompanied by the petition fee and the "required reply" in the form of an executed declaration in compliance with 37 CFR 1.497 and payment of the surcharge for filing the declaration later than thirty months after the priority date. In addition, the petition includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition pursuant to 37 C.F.R. 1.137(b) was unintentional." It is noted that the person signing the statement of unintentional delay was not appointed as the attorney of record herein until after the time of abandonment. It therefore is not apparent whether this person 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.

Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the present national stage application is appropriately granted.

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 23 February 2011.

/RichardMRoss/

Richard M. Ross  
Attorney Advisor  
Office of PCT Legal Administration  
Telephone: (571) 272-3296



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/223,827	10/26/2009	Junill Yoon	LGCHEM 3.3-021	3092
86765	7590	05/03/2011	EXAMINER	
LGCHEM Lerner, David, Littenberg, Krumholz & Mentlik, LLP 600 South Avenue West Westfield, NJ 07090			CONLEY, OI K	
			ART UNIT	PAPER NUMBER
			1726	
			NOTIFICATION DATE	DELIVERY MODE
			05/03/2011	ELECTRONIC

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

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

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

eOfficeAction@ldlkm.com



WG

May 2, 2011

In re application of	:	DECISION ON REQUEST TO
Junill Yoon et al.	:	PARTICIPATE IN PATENT
Serial No. 12/223,827	:	PROSECUTION HIGHWAY
Filed: October 26, 2009	:	PROGRAM AND
For: MEDIUM AND LARGE SIZE BATTERY	:	PETITION TO MAKE SPECIAL
MODULE OF VERTICAL STACKING	:	UNDER 37 CFR 1.102(a)
STRUCTURE	:	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a) to make the above-identified application special filed March 8, 2011.

The request and petition are **GRANTED**.

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

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO, note where the KIPO 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 KIPO application with similar claims and the KIPO priority application;
- (2) Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the KIPO 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 KIPO 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 copy of:

Application No. 12/223,827

- a. All of the Office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) that are the basis for the request;
- b. An English language translation of the KIPO Office actions from (5)(a) above; and
- c. A statement that the English translation is accurate;

(6) Applicant must submit:

- a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already submitted in this application)
- b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

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

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

Any inquiry regarding this decision should be directed to Walter D. Griffin, Supervisory Patent Examiner, at (571) 272-1447.

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>.

/Walter D. Griffin/

---

Walter D. Griffin  
Supervisory Patent Examiner  
Technology Center 1700



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MICHAEL L. DUNN  
SIMPSON & SIMPSON, PLLC  
5555 MAIN STREET  
WILLIAMSVILLE NY 14221

**MAILED**

**NOV 04 2010**

**PCT LEGAL ADMINISTRATION**

In re Application of :  
STEINMETZ, et al. :  
U.S. Application No.: 12/223,847 : DECISION ON PETITION  
PCT No.: PCT/EP2007/051297 :  
Int. Filing Date: 09 February 2007 : UNDER 37 CFR 1.47(a)  
Priority Date: 18 February 2006 :  
Attorney Docket No.: WSP263US :  
For: RECEIVING SYSTEM :

This decision is in response to applicant's petition under 37 C.F.R. 1.47(a) filed 21 September 2010 in the United States Patent and Trademark Office (USPTO).

### **BACKGROUND**

On 09 February 2007, applicant filed international application PCT/EP2007/051297 which claimed priority to an earlier application filed 18 February 2006. A copy of the international application was transmitted to the United States on 23 August 2007. Pursuant to 37 CFR 1.495 the period for providing payment of the full, U.S. Basic National Fee was set to expire thirty months from the priority date, or midnight 18 August 2008.

On 08 August 2008, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by among other items, payment of the requisite basic national fee.

On 22 March 2010, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date. Applicant was afforded two months to file the proper reply and informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 21 September 2010, applicant filed the present petition under 37 CFR 1.47(a) accompanied by a petition for a four-month extension of time and payment of the extension of time fee. The response is timely filed.

### **DISCUSSION**

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or

cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant has satisfied all four items and it is therefore proper to grant applicant's petition at this time.

**CONCLUSION**

For the reasons above, applicant's petition under 37 CFR 1.47(a) is **GRANTED**.

The application has an international filing date of 09 February 2007 under 35 U.S.C. 363, and will be given a date of **21 September 2010** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record. A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the DO/EO/US for processing in accordance with this decision. Specifically, the mailing of a Notification of Acceptance (Form PCT/DO/EO/903).



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



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[www.uspto.gov](http://www.uspto.gov)

Dr. Wolfgang Puest  
Weiherstrasse 8  
56719 Hofheim-Wallau  
65719  
GERMANY

**MAILED**

NOV 04 2010

PCT LEGAL ADMINISTRATION

In re Application of  
STEINMETZ, et al.  
U.S. Application No.: 12/223,847  
PCT No.: PCT/EP2007/051297  
Int. Filing Date: 09 February 2007  
Priority Date: 18 February 2006  
Attorney Docket No.: WSP263US  
For: RECEIVING SYSTEM

Dear Dr. Puest:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor. As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternately, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, the law firm of record (see below) would presumably assist you. Joining in the application would entail the filing of the appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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

Counsel of Record:  
SIMPSON & SIMPSON, PLLC  
5555 MAIN STREET  
WILLIAMSVILLE NY 14221  
UNITED STATES OF AMERICA



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

**MAILED**

**APR 11 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
Nobuaki Kiya	:	
Application No. 12/223,933	:	DECISION ON PETITION
Filed: August 13, 2008	:	TO WITHDRAW
Attorney Docket No. <b>138107</b>	:	FROM RECORD
	:	
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed February 15, 2011.

The request is **NOT APPROVED**.

A review of the file record indicates that Liam J. McDowell does not have power of attorney in the above-identified application. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is not applicable.

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

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



JoAnne Burke  
Petitions Examiner  
Office of Petitions



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UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/223,941	12/09/2009	Sung-Kyun Chang	LGCHEM 3.3-023	3307
86765	7590	11/02/2011	EXAMINER	
LGCHEM			ECHELMAYER, ALIX ELIZABETH	
Lerner, David, Littenberg, Krumholz & Mentlik, LLP			ART UNIT	PAPER NUMBER
600 South Avenue West			1729	
Westfield, NJ 07090			NOTIFICATION DATE	DELIVERY MODE
			11/02/2011	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):

eOfficeAction@ldlkm.com



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11/2/11

BC

In re application of : DECISION ON REQUEST TO  
Sung-Kyun Chang et al. : PARTICIPATE IN PATENT  
Serial No. 12/223,941 : PROSECUTION HIGHWAY  
Filed: August 13, 2008 : PROGRAM AND  
Attorney Docket No: LGCHEM 3.3-023 : PETITION TO MAKE SPECIAL  
: UNDER 37 CFR 1.102(a)

This is a decision on the request for reconsideration to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a) to make the above-identified application special filed August 04, 2011.

The request and petition are **GRANTED**.

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

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO, note where the KIPO 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 KIPO application with similar claims and the KIPO priority application;
- (2) Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the KIPO 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 KIPO 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 copy of:
  - a. All of the Office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) that are the basis for the request;

Application No. 12/223,941

- b. An English language translation of the KIPO Office actions from (5)(a) above;  
and
- c. A statement that the English translation is accurate; and

(6) Applicant must submit:

- a. An IDS listing the documents cited by the KIPO examiner in the KIPO 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/

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Blaine Copenheaver  
Quality Assurance Specialist  
Technology Center 1700

Application No. 12/223,941

- b. An English language translation of the KIPO Office actions from (5)(a) above; and
- c. A statement that the English translation is accurate; and

(6) Applicant must submit:

- a. An IDS listing the documents cited by the KIPO examiner in the KIPO 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/

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Blaine Copenheaver  
Quality Assurance Specialist  
Technology Center 1700



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Alexandria, VA 22313-1450  
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FOLEY AND LARDNER LLP  
SUITE 500  
3000 K STREET NW  
WASHINGTON DC 20007

**MAILED**  
**DEC 16 2010**  
**OFFICE OF PETITIONS**

In re Patent No. 7,812,440 :  
Issue Date: October 12, 2010 :  
Application No. 12/223,963 : **DECISION ON PETITION**  
Filed: August 14, 2008 :  
Attorney Docket No. 042264-0227 :

This is a decision on the petition under 37 CFR 1.323, filed November 15, 2010.

The petition is **GRANTED**.

An application may issue in the name of an assignee rather than the applicant if requested prior to issuance of a patent.<sup>1</sup> However, in the event the request is not made prior to issuance, a Certificate of Correction under 37 CFR 1.323 may be requested. A request for a Certificate of Correction under 37 CFR 1.323 to correct the assignee's name will not be granted unless a petition under 37 CFR 3.81(b) is granted. Such request under 37 CFR 3.81(b) should include:

- (A) the processing fee required by 37 CFR 1.17(i);
- (B) a request for issuance of the application in the name of the assignee, or a request that a patent be corrected to state the name of the assignee;

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<sup>1</sup> See 37 CFR 3.81.

(C) a statement that the assignment was submitted for recordation as set forth in 37 CFR 3.11 before issuance of the patent; and

(D) a request for a certificate of correction under 37 CFR 1.323 accompanied by the fee set forth in 37 CFR 1.20(a).<sup>2</sup>

Receipt of the \$130 processing fee and \$100 fee for the Certificate of Correction is acknowledged.

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

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



Cliff Congo  
Petitions Attorney  
Office of Petitions

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<sup>2</sup> MPEP 307.

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

Nonprovisional Application Number or Control Number (if applicable): 12/223,981	Patent Number (if applicable):
First Named Inventor: Kiyohito ISHIDA et al.	Title of Invention: CORRECTIVE DEVICE FOR DEFORMED NAILS

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

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

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

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

Signature     /David M. Ovedovitz/ 2011.06.29 08:39:03 -04'00'	Date     June 29, 2011
Name <b>David Ovedovitz</b> (Print/Typed)	Practitioner <b>45,336</b> Registration Number
<p><b>Note:</b> Signatures of all the inventors, § 1.41(b) applicants, or assignees of record of the entire interest or their representative(s), or reexamination requesters at the appeal stage are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.</p>	
<input type="checkbox"/> *Total of <u>1</u> forms are submitted.	



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**WENDEROTH, LIND & PONACK, L.L.P.**  
**1030 15TH STREET, N.W.,**  
**SUITE 400 EAST**  
**WASHINGTON DC 20005-1503**

**MAILED**  
**JUL 07 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Ishida et al. :  
Application No. 12/223,981 : **DECISION ON PETITION**  
Filed: September 19, 2008 :  
Attorney Docket No. 2008\_1408A :

This is a decision on the request filed June 29, 2011, seeking relief under the provisions of "Relief Available to Patent and Trademark Applicants, Patentees and Trademark Owners Affected by the Catastrophic Events of March 11, 2011 in Japan," 1365 Off. Gaz. Pat. Office 170 (April 19, 2011).

The request for relief is **GRANTED**.

In the above-identified application, an Office action was mailed on January 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 3772 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



03 AUG 2010

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46726  
BSH HOME APPLIANCES CORPORATION  
Intellectual Property Department  
100 Bosch Blvd.  
New Bern, NC 28562

In re Application of :  
ERTLE *et al* :  
U.S. Application No.: 12/223,995 :  
PCT No.: PCT/EP2007/050316 :  
Int. Filing Date: 15 January 2007 :  
Priority Date: 24 February 2006 :  
Docket No.: 2006P00407WOUS :  
For: HOUSEHOLD DEVICE HAVING AN :  
IMPROVED SHAFT :

**DECISION**

This decision is in response to the papers filed 25 February 2010 which are treated as a petition under 37 CFR 1.42 and 37 CFR 1.43.

**BACKGROUND**

On 13 August 2008, applicants submitted papers to enter the national stage of PCT/EP2007/050316.

On 25 February 2010, applicants submitted a declaration executed two of the three named inventors and the heirs of a deceased inventor.

**DISCUSSION**

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

37 CFR 1.43 *When the Inventor is Insane or Legally Incapacitated*, states:

In case an inventor is insane or otherwise legally incapacitated, the legal representative (guardian, conservator, etc.) of such inventor may make the necessary oath or declaration, and apply for and obtain the patent.

Applicants submitted a declaration executed by co-inventors, Bruno REITER and Franz-Josef WAGNER, and by the heirs of deceased inventor, Roland ERTLE.

Applicants included a certified English translation of an inheritance certificate of Mr. ERTLE which shows that Erika Ulrike ERTLE, Marion ERTLE, Lisa Marie ERTLE, and Marco Andreas ERTLE constitute all the heirs of the deceased inventor. Erika Ulrike ERTLE signed as legal guardian of Lisa Marie ERTLE, and Marco Andreas ERTLE who were minors (under the age of 18) at the time of execution. While a minor may sign a declaration (See MPEP § 409), the legal guardian of a minor is allowed to execute a declaration for a minor pursuant to 37 CFR 1.43.

A submission of the declaration signed by the heirs is construed as an indication that a legal representative has not been appointed nor is one required to be appointed by applicable law, and thus, the heirs are signing as the legal representative of the estate. See MPEP 409.01(d). If this interpretation is incorrect, applicants are required to promptly notify the Office of such and to submit a declaration properly executed by the legal representative of the deceased inventor in response to the decision.

The required information for the inventors and legal representatives are recorded on the declaration. The declaration is in compliance with 37 CFR 1.497(a) and (b)

### **CONCLUSION**

The papers filed under 37 CFR 1.42 and 37 CFR 1.43 are **ACCEPTED**.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

  
James Thomson  
Attorney Advisor  
Office of PCT Legal Administration

Tel.: (571) 272-3302



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OCT 22 2010

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HARNES, DICKEY & PIERCE, P.L.C. PCT LEGAL ADMINISTRATION  
P.O. BOX 828  
BLOOMFIELD HILLS MI 48303

In re Application of: :  
SIMPSON, Robert, U., et al. : DECISION ON REFUND  
U.S. Application No.: 12/224,004 : REQUEST  
PCT No.: PCT/US2007/003878 :  
International Filing Date: 14 February 2007 :  
Priority Date: 15 February 2006 :  
Attorney Docket No.: 2115-002625/US/NPB :  
For: SCREENING ASSAYS FOR :  
ANTAGONISTS AND ANALYSES :  
OF CARDIAC HYPERTROPHY :

The "Request For Refund" filed 16 April 2010 in the above-captioned application is **GRANTED** as follows:

The Form PTO-1390 Transmittal Letter filed by applicants on 14 August 2008 included the authorization to charge Deposit Account No. 08-0750 all required fees. Pursuant to this authorization, on 18 March 2010, the United States Patent and Trademark Office (USPTO) charged Deposit Account No. 08-0750 \$50 for the small entity search fee and \$105 for the small entity examination fee. These are the applicable search and examination fees where the international search fee was paid to the USPTO as International Searching Authority (ISA) and the written opinion of the ISA/US did not indicate that all claims satisfy the provisions of PCT Article 33(1)-(4) (see 37 CFR 1.498(b)(2) and (c)(2)). However, as asserted in the "Request For Refund" and confirmed by a review of the application file, the "Written Opinion Of The International Searching Authority" (Form PCT/ISA/237) issued by the ISA/US in PCT/US2007/003878 found that all the claims herein satisfied the criteria of PCT Article 33(1)-(4). Under these circumstances, the applicable search and examination fees for the present national stage application are \$0 (see 37 CFR 1.498(b)(1) and (c)(1)).

Based on the above, it is appropriate to refund to applicants the inapplicable search and examination fees charged to Deposit Account No. 08-0750 on 18 March 2010. Accordingly, Deposit Account No. 08-7500 will be credited with a refund of the \$50 search fee and the \$105 examination fee, as requested in the present "Request For Refund."

/RichardMRoss/

Richard M. Ross  
Attorney Advisor  
Office of PCT Legal Administration  
Telephone: (571) 272-3296



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MILLER, CANFIELD, PADDOCK AND STONE (3)  
277 SOUTH ROSE STREET  
SUITE 5000  
KALAMAZOO, MI 49007

**MAILED**  
NOV 03 2011  
OFFICE OF PETITIONS

Applicant: Theodor Gerhard Rösch  
Appl. No.: 12/224,020  
International Filing Date: February 13, 2007  
Title: CANNULA WITH A DEPLOYABLE EXTERNAL THREAD  
Attorney Docket No.: 138063/00002  
Pub. No.: US 2010/0198156 A1  
Pub. Date: August 5, 2010

This is a decision on the request for correction of patent application publication under 37 CFR 1.221(b), received on November 17, 2010, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material mistake since the correct contents from PCT/IB2007/05464 (WO 2007/093957) was not included in the publication.

37 CFR 1.221 (b) is applicable “only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable.” A material mistake must affect the public’s ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.<sup>1</sup>

The request is untimely, as it is not filed within two months of August 5, 2010, the date of the patent application publication.

The applicant is advised that a “request for republication of an application previously published” may be filed under 37 CFR 1.221(a). Such a request for republication “must include a copy of the application compliance with the Office’s electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in

<sup>1</sup>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 No. 12/224,020

§ 1.17(i).” If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

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

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

[http://www.uspto.gov/ebc/portal/efs/pgpub\\_quickstart.pdf](http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf)

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

Inquiries relating to this matter may be directed to Sherry D. Brinkley at (571) 272-3204.

/Christopher Bottorff/

Christopher Bottorff  
Petitions Examiner  
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/224,031	10/09/2009	Sung-Kyun Chang	LGCHEM 3.3-022	4108
86765	7590	10/27/2011	EXAMINER	
LGCHEM			CREPEAU, JONATHAN	
Lerner, David, Littenberg, Krumholz & Mentlik, LLP			ART UNIT	PAPER NUMBER
600 South Avenue West			1725	
Westfield, NJ 07090			NOTIFICATION DATE	DELIVERY MODE
			10/27/2011	ELECTRONIC

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

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

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

eOfficeAction@ldlkm.com



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OCT 27 2011

CST

In re application of	:	DECISION ON REQUEST TO
Sung-Kyun Chang et al	:	PARTICIPATE IN PATENT
Serial No. 12/224,031	:	PROSECUTION HIGHWAY
Filed: October 9, 2009	:	PROGRAM AND
For: LITHIUM-METAL COMPOSITE	:	PETITION TO MAKE SPECIAL
OXIDES AND ELECTROCHEMICAL	:	UNDER 37 CFR 1.102(a)
DEVICE USING THE SAME	:	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program, filed August 19, 2011.

The request and petition are **GRANTED**.

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

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO, note where the KIPO 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 KIPO application with similar claims and the KIPO priority application;
- (2) Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the KIPO 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 KIPO application(s); and
  - b. Submit a claims correspondence table in English;

Application No. 12/224,031

(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 KIPO 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 KIPO application is a first action allowance then no office action from the KIPO is necessary should be indicated on the request/petition form:  
Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
- b. An English language translation of the KIPO 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 KIPO examiner in the KIPO office action (unless already submitted in this application)
- b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

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

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

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

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

/Christine Tierney/

---

Christine Tierney  
Quality Assurance Specialist  
Technology Center 1700

31 AUG 2010



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

In re Application of : DECISION ON RENEWED  
ONEDA et al :  
Application No.: 12/224,051 :  
PCT No.: PCT/IL2007/000204 : PETITION UNDER  
Int. Filing Date: 14 February 2007 :  
Priority Date: 16 February 2006 :  
Attorney Docket No.: 44664 :  
For: ENDOSCOPE WITH IMAGING CAPSULE : 37 CFR 1.182

This is in response to applicant's submission "RENEWED PETITION TO CORRECT INVENTOR NAME" filed on 13 July 2010. This submission states that the correct name of the first inventor is Katsumi ONEDA. The petition fee of \$400.00 has been charged to Deposit Account No.: 50-1407.

**BACKGROUND**

In a decision from this Office on 17 May 2010, the decision indicated that the application could not enter into national stage at that time because petitioner corrected the first named inventor, the petition fee had not been paid.

On 13 July 2010, this renewed petition was filed and states that the correct name of the first inventor is Katsumi ONEDA and the petition fee has been paid.

**DISCUSSION**

The correct name of the applicant "Katsumi ONEDA" as explained in the petition and this name will be reflected in the US national stage processing. This is the name that has been used in the executed Declaration.

For the reasons above, the application may enter into national stage processing at this time.

**CONCLUSION**

The petition under 37 CFR 1.182 is **GRANTED.**

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing.



Rafael Bacares

PCT Legal Examiner

PCT Legal Office

Telephone: (571) 272-6376

Facsimile: (571) 273-0459



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OCT 07 2010

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

In re application of  
Ward et al.

Application No. 12/224081

Filed: June 7, 2010

For: DEVICE FOR TEMPERATURE  
CONDITIONING AND AIR SUPPLY

: **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 26, 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 GB, 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 26, 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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John F. A. Earley III  
Harding, Earley, Follmer & Frailey  
86 The Commons At Valley Forge East  
1288 Valley Forge Road, P.O. Box 750  
Valley Forge PA 19482-0750

**MAILED**  
**JUL 08 2011**  
PCT LEGAL ADMINISTRATION

In re Application of: OGDEN, J. Herbert,	:	
U.S. Application No.: 12/224,084	:	DECISION REGARDING
PCT No.: PCT/US2006/034092	:	PETITION UNDER 37 CFR
International Filing Date: 30 August 2006	:	1.137(b) AND RENEWED
Priority Date: 17 February 2006	:	SUBMISSION UNDER
Attorney's Docket No.: E-2506	:	37 CFR 1.42
For: REINFORCEMENT FIBERS AND	:	
METHODS OF MAKING AND	:	
USING SAME	:	

This decision is issued in response to the petition for revival under 37 CFR 1.137(b) and the included renewed submission under 37 CFR 1.42 filed on 24 May 2011. Applicant has submitted the applicable petition fee.

**BACKGROUND**

On 30 August 2006, applicant filed international application PCT/US2006/034092. The international application claimed a priority date of 17 February 2006, and it designated the United States. The deadline for entry into the U.S. national stage and submission of the basic national fee was thirty months from the priority date, i.e., 18 August 2008 (17 August 2008 was a Sunday).

On 18 August 2008, applicant filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the small entity basic national fee and a declaration executed on behalf of deceased sole inventor J. Herbert OGDEN by the deceased inventor's heir, Marilyn OGDEN.

On 17 October 2008, a decision was mailed dismissing without prejudice applicant's request for status under 37 CFR 1.42, finding that that the declaration filed by applicant on 18 August 2008 did not include all required information. The decision provided applicant with a two-month response period in which to file a revised declaration.

Applicant did not file a response to the 17 October 2008 decision during the available response period. Accordingly, the present application became abandoned at midnight on 17 December 2008.

On 01 June 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Abandonment" (Form PCT/DO/EO/903) confirming the abandonment.

On 24 May 2011, applicant filed the petition for revival under 37 CFR 1.137(b) and renewed submission under 37 CFR 1.42 considered herein.

### **DISCUSSION**

#### **1. Petition For Revival Under 37 CFR 1.137(b)**

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional delay must be accompanied by: (1) the required reply, (2) the petition fee required by law, (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional," and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c).

With respect to item (1), the "required reply" in the present circumstances is a proper response to the Decision mailed on 17 October 2008, that is, a revised declaration executed by the legal representative of deceased inventor J. Herbert OGDEN acceptable under 37 CFR 1.42 and 1.497. As discussed in detail below, the materials accompanying the present petition include the required declaration. Applicant has therefore provided the "required reply." Item (1) of a grantable petition for revival is satisfied.

With respect to item (2), applicant has submitted the required small entity petition fee. Item (2) is therefore satisfied.

With respect to item (3), the petition includes a statement that the "entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." Item (3) is therefore satisfied.

Item (4) does not apply to the present application.

Based on the above, applicant has satisfied all the requirements for a grantable petition to revive the application under 37 CFR 1.137(b). The petition is therefore appropriately granted.

#### **2. Renewed Submission Under 37 CFR 1.42**

The revised declaration filed on 24 May 2011 properly identifies the deceased inventor, J. Herbert OGDEN as the sole inventor, and it sets forth the deceased inventor's citizenship, identifies the person signing on his behalf as his "legal representative & sole heir," and includes the citizenship, residence and mailing addresses of the legal representatives, as required.

In view of the above, the revised declaration filed on 24 May 2011 is acceptable under 37 CFR 1.42 and 1.497 with respect to the deceased inventor.

**CONCLUSION**

Applicant's petition for revival of the application under 37 CFR 1.137(b) is **GRANTED**.

Applicant's renewed request for status under 37 CFR 1.42 with respect to deceased inventor J. Herbert OGDEN is **GRANTED**.

This application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 24 May 2011.

/RichardMRoss/

Richard M. Ross  
Attorney Advisor  
Office of PCT Legal Administration  
Telephone: (571) 272-3296  
Facsimile: (571) 273-0459



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APPLICATION NO.	FILING DATE	FIRST-NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/224,088	08/18/2008	Toshiyuki Yamashita	1163-0680PUS1	4999
2292	7590	03/17/2011	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			WILHELM, TIMOTHY	
			ART UNIT	PAPER NUMBER
			3616	
			NOTIFICATION DATE	DELIVERY MODE
			03/17/2011	ELECTRONIC

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

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

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

mailroom@bskb.com



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

In re application of : **DECISION ON REQUEST TO**  
Toshiyuki Yamashita : **PARTICIPATE IN PATENT**  
Application No. 12/224,088 : **PROSECUTION HIGHWAY**  
Filed: August 18, 2008 : **PROGRAM AND PETITION**  
For: TILT ANGLE DETECTING APPARATUS : **TO MAKE SPECIAL UNDER**  
FOR VEHICLE, AND ROLLOVER : **37 CFR 1.102(a)**  
JUDGING APPARATUS USING THIS  
TILT ANGLE DETECTING APPARATUS  
FOR VEHICLE

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 04, 2011, to make the above-identified application special.

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

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

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

The request to participate in the PPH pilot is not grantable as per item (4) above in that examination of the U.S. application has already begun. A "Allowability Notice" was issued on February 28, 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: 03/15/11

## 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:	12/224,138	Filing date:	August 19, 2008
First Named Inventor:	Andreas Stefan BIRKENFELD		

Title of the Invention: **METHOD FOR STORING DATA IN A PRINTING MACHINE COMPRISING A COMMUNICATION NETWORK**

**THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EFW/EFW\\_HELP.HTML](http://www.uspto.gov/efw/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/EP2007/051844**

The international date of the corresponding PCT application(s) is/are: **February 27, 2007**

### I. List of Required Documents:

- a. A copy of the latest international work product (WO/ISA, WO/PEA, or I/PER) in the above-identified corresponding PCT application(s)

is attached

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

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

is attached.

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

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

(Page 1 of 2)



# KARIN T. DUNN

## GERMAN TRANSLATION AND LANGUAGE SERVICES

Certified by the American Translators Association

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Date: September 25<sup>th</sup>, 2010

### DECLARATION

The undersigned, Karin T. Dunn, hereby states that she is well acquainted with both the English and German languages and that the attached is a true translation to the best of her knowledge and ability of the German text of the amended claims, submitted with the International Preliminary Report on Patentability, for PCT/EP2007/051844, which was filed on 27 February 2007 and was published on 7 September 2007 as WO 2007/099098 A1.

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

  
Karin T. Dunn

Translation of the pertinent portions of a **Notification of the Transmittal of the International Preliminary Report Regarding Patentability** in accordance with Rule 71.1 PCT, mailed on 03/13/2008

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

A total of 13 pages (*sent to the applicant and to the International Authority*), which include

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

4. This report contains information on the following items:

Box I Basis of the Report.

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

**Box I            Basis of the Report**

1. With regard to **language**, the opinion has been established on the basis of:  
the international application in the language in which it was filed.
  
2. With regard to the **components** of the international application the report is based upon

**Specification, pages**

2, 4, 5, 7-27	in the originally filed version
1, 3, 3a, 6, 28	Received on 08/24/2007 with the letter dated 08/22/2007

**Claims, No.**

1-35	Received on 08/24/2007 with the letter dated 08/22/2007
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**Drawings, pages**

2/4-4/4	in the originally filed version
1/4	Received on 08/24/2007 with the letter dated 08/22/2007



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

**Re Item V.**

**Reasoned statement with regard to novelty, inventive step and industrial applicability;  
citations and explanations to support such statement**

Reference is made to the following document:

D1: WO 2004/055609 A2 (KOENIG & BAUER AG [DE]; CZOTSCHER ANDREAS FRANZ [DE]; GEIGER HELMUT [D]) 1 July 2004 (07/01/2004)

**1 INDEPENDENT CLAIM 1**

1.1 Document D1 discloses (references in parentheses refer to this document) a method for storing data of at least one component of a printing press (01), which comprises a plurality of components and at least one communications network (09).

1.2 Claim 1 differs from D1 in that:

- Data from a plurality of components that are integrated into the printing press, with said data characterizing the respective component, are stored in a memory unit, which belongs to this relevant component, which is configured as an integral part of the respective component, and which is connected to the communications network,
- wherein in the printing press, which has at least two control levels, which are different from one another and are hierarchically organized, the data of a plurality of components, which are arranged in the printing press in a lower-order control level, are transferred from their respective memory units, via the communications network, to at least one component that is arranged in the printing press in a higher-order control level,
- wherein these data, which have been transferred to the at least one higher-order control level, are linked with location information relating to the location of the component transmitting the data in its respective control level, each time data are transferred from one control level to the next higher control level (LE; SE; AE), in a continuous updating process.

Claim 1 is therefore novel.

1.3 The problem to be solved here consists in creating a virtual image of the components arranged in the printing press, resulting in improved printing press control.

1.4 In the prior art, this solution is neither known nor suggested. It actually involves process steps, which are not based upon any method of the prior art.

In D1, only data that characterize units are stored as data inventory in a memory unit. These data are used to control the system. The publication does not speak of a linkage of the data with location information or of a data transfer between control planes.

With this, no virtual imaging of the printing press is possible; additionally, the solution proposed here requires great expenditure on adjustments (the corresponding process steps cannot be implemented in a simple manner), which are not obvious.

Claim 1 is therefore inventive (Article 33(3) PCT).

## **2 DEPENDENT CLAIMS 2-35**

Claims 2 through 35 are dependent upon claim 1 and therefore also fulfill the requirements of the PCT with regard to novelty and an inventive step.

## Claims

1. Method for storing data of at least one component of a printing press, which comprises a plurality of components and at least one communications network (02), wherein data of a plurality of the components that are integrated into the printing press, which data characterize the respective component, are stored in a memory unit, which belongs to this relevant component, which is configured as an integral part of the respective component, and which is connected to the communications network (02), wherein in the printing press, which has at least two control levels (LE; SE; AE; FE) that are different from one another and are hierarchically organized, the data of a plurality of components, which are located in the printing press in a lower-order control level (SE; AE; FE), are transferred, via the communications network (02), from their respective memory units to at least one component, which is located in the printing press in a higher-order control level (LE; SE; AE), wherein these data, which are transferred to the at least one higher-order control level (LE; SE; AE), are linked, in a continuous updating process, with location information relating to the location of the component transmitting the data in its respective control level (SE; AE; FE), each time such data are transferred from one control level to the next higher control level (LE; SE; AE).
2. Method according to claim 1, characterized in that the data that characterize the respective component are stored, together with the location information belonging to this component, at least in one database.
3. Method according to claim 2, characterized in that the data received from the respective component are stored in the database in a structure that presents a virtual image of the arrangement of the components belonging to the printing press.

4. Method according to claim 2, characterized in that the database requests the data to be stored in the database from the memory unit of the respective component.
5. Method according to claim 2, characterized in that the database is operated in a component, which is configured as a control unit (01) that is of a higher order than the component transmitting the data, or as a data server (06).
6. Method according to claim 2, characterized in that the database is operated in a stationary or mobile computer, which can be connected to the communications network (02) via a network interface (07).
7. Method according to claim 1, characterized in that the memory unit of the component transmitting the data is embodied in a connection with the relevant component which is inseparable, at least during the operation of said component.
8. Method according to claim 4, characterized in that the database requests data that characterize each respective component from the respective memory units of all components located in the printing press.
9. Method according to claim 4, characterized in that the database requests data characterizing the plurality of components located in the printing press from the respective memory units of said components, once the printing press has been placed in service.
10. Method according to claim 1, characterized in that at least one of the components located in the printing press transfers the data stored in its memory unit to the database, each time it is placed in its active operational mode.

11. Method according to claim 9 and 10, characterized in that the database compares the data requested from the memory unit of one of the components belonging to the printing press once said printing press has been placed in service with the respective data that are transferred each time a component is placed in its respective active operational status, and stores the current data, together with a time marking, in the database, when the comparison reveals an inconsistency in the compared data.
12. Method according to claim 2, characterized in that the data that characterize the respective component are stored, together with information relating to the time of the data transfer, in the database.
13. Method according to claim 2, characterized in that the data transferred from the respective memory units of the components belonging to the printing press to the database are always stored in chronological order.
14. Method according to claim 2, characterized in that the data stored in the database of the components belonging to the printing press are made available for remote access.
15. Method according to claim 2, characterized in that additional operational data are stored in each of the databases of the components belonging to the printing press.
16. Method according to claim 2, characterized in that service lives for the components belonging to the printing press are stored in the database.
17. Method according to claim 16, characterized in that, if the components belonging

to the printing press should exceed their service life as stored in the database, this will be reported by at least one operating and/or visualization unit (04; 13).

18. Method according to claim 1, characterized in that a compatibility test is performed to detect a version conflict with respect to hardware and/or firmware and/or parameter files to be used in relation to an electronic component.
19. Method according to claim 18, characterized in that a detected version conflict with respect to hardware and/or firmware and/or parameter files to be used in relation to an electronic component is reported by the at least one operating and/or visualization unit (04; 13).
20. Method according to claim 19, characterized in that the initiation of operation of an electronic component despite a reported version conflict with respect to the hardware and/or firmware and/or a parameter file of this component requires manual confirmation by the operator of the printing press.
21. Method according to claim 18, characterized in that, to prevent a version conflict with respect to the hardware and/or firmware and/or parameter files to be used in relation to an electronic component, an update of the firmware and/or the parameter file is supplied to the relevant component and is implemented with respect to this component.
22. Method according to claim 1, characterized in that unmodifiable and/or modifiable data are stored in the memory unit, which is configured as a part of the respective component.

23. Method according to claim 1, characterized in that an indication at least of the structural component type and/or the serial number and/or the hardware version and/or the firmware version of the respective component are stored in the memory unit belonging to the respective component.
24. Method according to claim 23, characterized in that the indication of the structural component type and/or the serial number and/or the hardware version and/or the firmware version of the respective component are stored in the memory unit of the respective component as unmodifiable data.
25. Method according to claim 1, characterized in that data stored as modifiable data in the memory unit of the respective component are modified during the period of operation of the respective component.
26. Method according to claim 1, characterized in that data stored as modifiable data in the memory unit of the respective component are modified only by the respective component itself.
27. Method according to claim 1, characterized in that at least data that characterize one component, which is located in a lower-order control level (SE; AE; FE) and is configured as a machine unit (08), are stored by this component in its respective memory unit, wherein the machine unit (08) is configured as an infeed unit, or as a guidance system for a web-type printing substrate, or as a web securing system comprising at least one catching roller, or as a reel changer, or as a logistical system for transporting the printing substrate to the printing press, or as a printing group, or as a cooling roller housing, or as a dryer, or as a folding unit.
28. Method according to claim 27, characterized in that data from one of the control

levels (LE; SE; AE; FE) of the relevant machine unit (08) are intermediately stored and/or managed in a memory unit belonging to this machine unit (08).

29. Method according to claim 27, characterized in that at least one drive unit (14) provided in the machine unit (08) is controlled by at least one motion control system (11) provided in the machine unit (08).
30. Method according to claim 27, characterized in that at least one sequencing control system (12) provided in the machine unit (08) enables and/or controls at least the transmission of data to at least one field device (16) located in another lower-order control level (SE; AE; FE).
31. Method according to claim 1, characterized in that at least one component configured as an operating and/or visualization unit (04), for visualizing data that are relevant to the printing process, is located in the highest-order control level (LE).
32. Method according to claim 1, characterized in that at least one communications unit (09) provided in a control level (LE; SE; AE; FE) connects at least this control level (LE; SE; AE; FE) to the communications network (02).
33. Method according to claim 32, characterized in that the communications unit (09) is configured as an aggregate router (09).
34. Method according to claim 1, characterized in that the communications network (02) is configured as a field bus (02).

08/22/2007

35

35. Method according to claim 1, characterized in that data to be transferred between two or more control levels (LE; SE; AE; FE) are transmitted in encoded form.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/224,138	08/19/2008	Andreas Stefan Birkenfeld	W1.2682 PCT-US	5325

7590 11/03/2010  
Douglas R. Hanscom  
Jones, Tullar & Cooper, P.C.  
P.O.Box 2266 Eads Station  
Arlington, VA 22202

EXAMINER  
ABEL JALIL, NEVEEN

ART UNIT	PAPER NUMBER
2165	

MAIL DATE	DELIVERY MODE
11/03/2010	PAPER

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

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



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Douglas R Hanscam  
Ones, Tullar & Cooper P.C.  
P.O. Box 2266 Eads Station  
Arlington, VA 22202

In re Application of: BIRKENFELD et al.  
Application No. 12/224,138  
Attorney Docket #: W1.2682 PCT-US  
Filed: August 19, 2008  
For: **Method for storing data in a printing  
machine comprising a communication  
network**

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**) program and the petition under 37 CFR 1.102(a), filed September 29, 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.

The petition is **GRANTED**.

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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**CHRISTIE, PARKER & HALE, LLP**  
**PO BOX 7068**  
**PASADENA CA 91109-7068**

**MAILED**

**AUG 04 2010**

**OFFICE OF PETITIONS**

In re Application of	:	
Jong Chul Kim	:	DECISION ON PETITION
Application No. 12/224,230	:	TO WITHDRAW
Filed: August 20, 2008	:	FROM RECORD
Attorney Docket No. 62659/D646	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 7, 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 Josephine E. Chang on behalf of all attorneys of record who are associated with Customer No. 23363.

All attorneys/agents associated with Customer Number 23363 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 at the address indicated below.

Currently, there is an outstanding Office action mailed April 28, 2010 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  
Petitions Examiner  
Office of Petitions

cc: Jong Chul Kim  
6F Fine Venture Building  
345-1 Yatap-dong Bundang-gu  
Seongnam-si, Gyeonggi-do 463-828 Korea



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HENRY M FEIEREISEN, LLC  
HENRY M FEIEREISEN  
708 THIRD AVENUE  
SUITE 1501  
NEW YORK, NY 10017

**MAILED**  
**SEP 30 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Juergen Kleinwaechter :  
Application No. 12/224,276 :  
Filed: October 6, 2008 :  
Atty Docket No.: KLEINWAECHTER – 4 :

ON PETITION

This is a decision in response to the petition, filed September 23, 2011, 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 Restriction Requirement mailed May 26, 2010, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). A Notice of Abandonment was subsequently mailed on December 6, 2010. On September 23, 2011, 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<sup>1</sup>.

The Power of Attorney filed September 23, 2011, is hereby accepted and made of record. The Notice of Acceptance of Power of Attorney is enclosed.

The application is being referred to Technology Center AU 3644 for appropriate action by the Examiner in the normal course of business on the response received September 23, 2011.

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

/SDB/

Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions

Enclosed: Notice of Acceptance of Power of Attorney

<sup>1</sup> 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 NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/224,276	10/06/2008	Juergen Kleinwachter	KLEINWAECHTER - 2 PCT <b>CONFIRMATION NO. 7281</b>

20151  
HENRY M FEIEREISEN, LLC  
HENRY M FEIEREISEN  
708 THIRD AVENUE  
SUITE 1501  
NEW YORK, NY 10017

**POA ACCEPTANCE LETTER**



Date Mailed: 09/29/2011

**NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 09/23/2011.

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.

/sdrinkley/

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



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/224,276	10/06/2008	Juergen Kleinwachter	KLEINWAECHTER - 2 PCT <b>CONFIRMATION NO. 7281</b>

25889  
COLLARD & ROE, P.C.  
1077 NORTHERN BOULEVARD  
ROSLYN, NY 11576

**POWER OF ATTORNEY NOTICE**



Date Mailed: 09/29/2011

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 09/23/2011.

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

/sdrinkley/

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

Doc Code: PPH.PCT.692

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

PTO/5892/PCT-EP (05-10)

Approved for use through 01/31/2012, CMS 0651-0266

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 EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	12/224,297	Filing date:	August 22, 2008
First Named Inventor:	Bernid Kurt MASUCH		

Title of the invention: PRINTING GROUPS OF A PRINTING PRESS

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/EFSWEB\\_HELP.HTML](http://www.uspto.gov/efsweb_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/EP2007/051955

The international date of the corresponding PCT application(s) is/are: March 1, 2007

### 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.

Page 1 of 2

This collection of information is required by 35 U.S.C. 116, 37 CFR 1.55, and 37 CFR 1.551(c). The information is required to obtain or retain a benefit by the public, which is to be paid by the USPTO to process an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.13 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 and burden 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 1463, Alexandria, VA 22313-1463. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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

(continued)

Application No.:	12/224,297
First Named Inventor:	Bernd Kurt MASUCH

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

is attached

Has already been filed in the above-identified U.S. application on August 22, 2008

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

Are attached.

Have already been filed in the above-identified U.S. application on August 22, 2008**ii. Claims Correspondence Table:**

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
103 - 105	1 - 3	direct correspondence
106 - 109	4 - 7	U.S. claim amended to remove multiple dependency
110	8	direct correspondence
111 - 113	9 - 11	U.S. claim amended to remove multiple dependency
114	12	direct correspondence
115, 116	13, 14	U.S. claim amended to remove multiple dependency
117 - 120	15 - 18	direct correspondence
121, 122	19, 20	U.S. claim amended to remove multiple dependency
123	21	direct correspondence
124 - 134	22 - 32	U.S. claim amended to remove multiple dependency
135 - 143	33 - 41	direct correspondence
144, 145	42, 43	U.S. claim amended to remove multiple dependency
146, 147	44, 45	direct correspondence
148	46	U.S. claim amended to remove multiple dependency
149	47	direct correspondence
150 - 152	48 - 50	U.S. claim amended to remove multiple dependency

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

Signature 	Date <u>October 5, 2010</u>
Name (Print/Typed) <u>Douglas R. Hanscom</u>	Registration Number <u>26600</u>

## KARIN T. DUNN

### GERMAN TRANSLATION AND LANGUAGE SERVICES

Certified by the American Translators Association

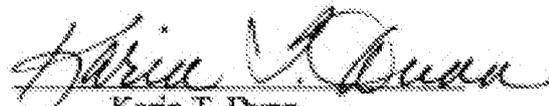
4706 OLDE FORGE CT., FAIRFAX, VA 22032  
TELEPHONE, FAX: 703-426-1422 · DUNN6FAM@MSN.COM

Date: September 25<sup>th</sup>, 2010

### DECLARATION

The undersigned, Karin T. Dunn, hereby states that she is well acquainted with both the English and German languages and that the attached is a true translation to the best of her knowledge and ability of the German text of the amended claims, submitted with the International Preliminary Report on Patentability, for PCT/EP2007/051955, which was filed on 1 March 2007 and was published on 7 September 2007 as WO 2007/099148 A2.

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

  
Karin T. Dunn

Translation of the pertinent portions of a Notification of the Transmittal of the International Preliminary Report Regarding Patentability in accordance with Rule 71.1 PCT, mailed on 06/03/2008

2. This report comprises a total of 11 pages including this cover sheet.
3. Enclosures are also included with the report; these include

A total of 11 pages (*sent to the applicant and to the International Authority*), which include

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

4. This report contains information on the following items:

Box I      Basis of the Report

Box IV     Lack of unity of the invention

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

**Box I                    Basis of the Report**

1. With regard to **language**, the opinion has been established on the basis of:  
  
the international application in the language in which it was filed.
2. With regard to the **components** of the international application the report is based upon

**Description, pages**

1-3, 5-76	in the originally filed version
4, 4a	received on 12/21/2007 with the letter dated 12/20/2007

**Claims, No.**

1-50	received on 12/21/2007 with the letter dated 12/20/2007
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**Drawings, pages**

1/27-27/27	in the originally filed version
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**Box IV                    Lack of Unity of the Invention**

1. In response to the invitation to restrict the claims or to pay additional fees, the applicant has, within the applicable time limit:

Paid the additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is

Not complied with for the following reasons:

See attached sheet

4. Consequently, the report has been established in respect of the following parts of the international application:

All parts



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

**Re Item IV.**

This Authority has determined that the international application contains a plurality of inventions or groups of inventions, which are not connected by a single, common inventive idea (Rule 13.1 PCT), namely:

I: Claims 1, 4-50

II: Claims 2, 3-11, 13, 15-32, 35, 42-44, 46-50

The reasons for this are as follows:

The search produced the following prior art, which is relevant to the evaluation of unity of the invention:

D1: WO 2005/097504 A (KOENIG & BAUER AG [DE]; SCHAEFER KARL ROBERT [DE]; SCHNEIDER GEORG [DE] 20 October 2005 (10/20/2005), mentioned in the application

Document D1 discloses a printing couple of a printing press (see Figure 10 and 6d and the corresponding first paragraph on page 21 of the specification) comprising a transfer cylinder, a forme cylinder and a first roller of an inking unit, wherein said first roller cooperates with the forme cylinder as an ink forme roller, wherein the first roller (28') has substantially the same diameter (see page 19, first paragraph) as the forme cylinder,

- and wherein the rotational axes of the forme cylinder (07) and of the assigned transfer cylinder (06), when their rotational axes are in an operational position, define a plane (E),

- the forme cylinder (07) and/or the transfer cylinder (06) are mounted so as to be moved by means of at least one pressure-actuatable actuator, which is allocated to only the forme cylinder (07) and/or the transfer cylinder (06) (see, e.g., Figure 21)

- wherein, in the operational position, a plane (A) through the rotational axes of the forme roller (28) and the forme cylinder (07) forms an angle of at most 45° with the plane (E) through the rotational axes of the forme cylinder (07) and the transfer cylinder (06) (on page 21, first paragraph of D1, it is stated that the inking unit shown in Figure 6d is arranged in a printing press shown in Fig. 10),

- below the plane (E), a second roller (26), which cooperates with the first roller (28), is provided (see Figure 6d),

A comparison of the present groups of claims with the cited document shows that the following characterizing features provide a contribution to the prior art, and can therefore

be viewed as special technical characterizing features, as defined according to Rule 13.2 PCT:

Group I:

- the first roller is also mounted so as to be adjustable, with a motion component in the direction of the transfer cylinder, by means of at least one pressure-actuatable actuator, which is allocated to only the roller.
- a plane of connection between the rotational axes of the first roller and the second roller deviates from the vertical by at most +/- 20°.

Group II:

- the second roller is configured as an axially oscillating distribution cylinder.
- and the first roller has a positive rotational drive.

The following can be viewed as problems that have been solved by the special technical characterizing features:

Group I: ensuring optimal ink transfer, which remains even over the entire length of the cylinder

Group II: preventing the danger of ghosting

For the following reasons, these inventions/groups are not related to one another in such a way that they realize a single, common inventive idea (Rule 13.1 PCT):

These problems are different from one another (see above).

This also shows that no corresponding technical effect is present. Therefore, neither on the basis of the object upon which the present invention is based, nor its solutions that are defined by the special technical characterizing features of each invention, can a technical interaction between the inventions be established, which realizes a single, common inventive idea.

Thus, neither with respect to the special technical characterizing features, nor with respect to the problems that are solved between the listed groups of claims, does unity of the invention, as defined by Rules 13.1 and 13.2 PCT exist.

**Re Item V.**

**Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty,**

- wherein in the operational position, a plane (A) through the rotational axes of the forme roller (28) and the forme cylinder (07) form an angle of at most  $45^\circ$  with the plane (E) through the rotational axes of the forme cylinder (07) and the transfer cylinder (06) (on page 21, first paragraph of D1 it is stated that the inking unit shown in Figure 6d is arranged in a printing press shown in Figure 10)
- below the plane (E), a second roller (26) is provided, which cooperates with the first roller (28) (see Figure 6d).

The object of claim 1 therefore differs from the known printing couple in that:

- the first roller is also mounted so as to be adjustable with a motion component in the direction of the transfer cylinder by means of at least one pressure-actuatable actuator, which is assigned only to the roller.
- a plane of connection between the rotational axes of the first roller and the second roller deviates from the vertical by at most  $\pm 20^\circ$ .

The object to be attained with the present invention can therefore be viewed as ensuring an optimal ink transport that is even over the length of the cylinder.

In D3, an inking unit having two forme rollers is disclosed, wherein the forme rollers can be engaged against a forme cylinder by means of pressure-actuatable actuators. These two forme rollers are both in contact with an anilox roller. D4 shows a system for adjusting rollers, wherein a forme roller can be engaged against a forme cylinder by means of a pressure-actuatable actuator. In D3 and D4, the diameter of the forme rollers is different from the diameter of the forme cylinder, and, based upon D3, or D4, there is no suggestion of selecting a different diameter. Consequently, with their arrangement (the characterizing feature "angle smaller than  $45^\circ$ " is not disclosed), these forme rollers are not suitable for supporting the forme cylinder.

Based upon D1, one of ordinary skill in the art also would have no cause to arrange the second roller below the first roller ("...deviates by  $\pm 20^\circ$  from the vertical") in such a way that the second roller is configured as support for the first roller.

Therefore, the object of claim 1 is based upon an inventive step.

2. Claims 4 through 50 are dependent upon claim 1, and also fulfill the requirements of the PCT with respect to Article 33(3) PCT.

Second Invention: Claims 2, 3-11, 13, 15-32, 35, 42-44, 46-50

1. Document D1 is considered the closest prior art for the object of claim 2. It discloses (references in parentheses refer to this document) a printing couple of a printing press (see Figure 10 and 6d and the corresponding first paragraph on page 21 of the specification) comprising a transfer cylinder, a forme cylinder and a first roller of an inking unit, wherein said first roller cooperates with the forme cylinder as an ink forme roller, wherein the first roller (28') has substantially the same diameter (see page 19, first paragraph) as the forme cylinder,

- and wherein only a single ink forme roller allocated to the inking unit is arranged so as to cooperate with the periphery of the forme cylinder,

- and wherein the rotational axes of the forme cylinder (07) and of the assigned transfer cylinder (06), when their rotational axes are in an operational position, define a plane (E),

- wherein, in the operational position, a plane (A) through the rotational axes of the forme roller (28) and the forme cylinder (07) forms an angle of at most 45° with the plane (E) through the rotational axes of the forme cylinder (07) and the transfer cylinder (06) (on page 21, first paragraph of D1, it is stated that the inking unit shown in Figure 6d is arranged in a printing press shown in Fig. 10),

- below the plane (E), a second roller (26), which cooperates with the first roller (28), is provided (see Figure 6d),

The object of claim 2 therefore differs from the known printing couple in that:

- the second roller is configured as an axially oscillating distribution cylinder,

- and the first roller has a positive rotational drive.

The object to be attained with the present invention can therefore be viewed as preventing the risk of ghosting.

In D5, forme cylinder, first roller and second roller are driven at the same speed. However, the second roller is an anilox roller.

In D1, the second roller is also an anilox roller, and not an axially oscillating distribution cylinder.

In D6 (Fig. 1), a distribution cylinder is arranged vertically below a forme roller. Two forme rollers are engaged against the plate cylinder.

Based upon D1, there is no suggestion of equipping the first roller with its own drive in order to prevent the risk of ghosting (forme rollers are normally driven by friction).

Therefore, the object of claim 2 is based upon an inventive step.

2. The claims 3-11, 13, 15-32, 35, 42-44, 46-50 are dependent upon claim 1 and therefore also fulfill the requirements of the PCT with respect to Article 33(3) PCT.

## Claims

1. Printing couple of a printing press comprising a transfer cylinder (06), a forme cylinder, and a first roller (28) of an inking unit (08), wherein said first roller cooperates with the forme cylinder as ink forme roller (28), wherein the first roller (28) has substantially the same diameter as the forme cylinder (07), and wherein the rotational axes of the forme cylinder (07) and the allocated transfer cylinder (06), when said axes are in the operational position, define a plane (E), and wherein the forme cylinder (07) and/or the transfer cylinder (06) is or are mounted so as to be adjustable by means of at least one pressure-actuable actuator, which is assigned to only the forme cylinder (07) and/or the transfer cylinder (06), characterized in that, in the operational position, a plane (A) through the rotational axes of the forme roller (28) and the forme cylinder (07) forms a maximum angle  $\delta$  of  $45^\circ$  with the plane (E) through the rotational axes of the forme cylinder (07) and the transfer cylinder (06), in that the first roller (28) is mounted so as to be adjustable by means of at least one pressure actuable actuator (253; 322), which is assigned only to the roller (28), said adjustment occurring with a motion component in the direction of the transfer cylinder (06), and a second roller (33; 26), which cooperates with the first roller (28), is provided below the plane (E) in such a way that a plane of connection (V) between the rotational axes of the first roller (28) and the second roller (33) deviates at most by  $\pm 20^\circ$  from vertical.
2. Printing couple of a printing press comprising a transfer cylinder (06), a forme cylinder, and a first roller (28) of an inking unit (08), wherein said first roller cooperates with the forme cylinder as ink forme roller (28), wherein the first roller (28) has substantially the same diameter as the forme cylinder (07), and wherein the rotational axes of the forme cylinder (07) and of the allocated transfer cylinder

(06), when said axes are in the operational position, define a plane (E), and wherein only a single ink forme roller (28) allocated to the inking unit (08) is arranged so as to cooperate with the periphery of the forme cylinder (07), characterized in that, in the operational position, a plane (A) through the rotational axes of the forme roller (28) and the forme cylinder (07) forms a maximum angle  $\delta$  of 45° with the plane (E) through the rotational axes of the forme cylinder (07) and the transfer cylinder (06), in that a second roller (33; 26), which cooperates with the first roller (28) and is embodied as an axially oscillating distribution cylinder (33'), is provided below the plane (E), and in that the first roller (28) has a positive rotational drive.

3. Printing couple according to claim 2, characterized in that the forme cylinder (07) and/or transfer cylinder (06) are mounted so as to be adjustable by means of at least one pressure-actuable actuator (82), which is allocated only to the forme cylinder (07) and/or transfer cylinder (06), and the first roller (28) is mounted so as to be adjustable by means of at least one pressure actuable actuator (253; 322), which is assigned only to the roller (28), said adjustment occurring with a motion component in the direction of the transfer cylinder (06).
4. Printing couple according to claim 1 or 2, characterized in that the rotational axes of the first roller (28), the forme cylinder (07), and the allocated transfer cylinder (06) are arranged with their rotational axes in the same plane (E; A).
5. Printing couple according to claim 1 or 2, characterized in that additionally, a third roller (41; 41'), which cooperates with the forme cylinder (07), is provided below the plane (E).
6. Printing couple according to claim 1 or 2, characterized in that the second roller

(33) is arranged substantially vertically below the first roller (28).

7. Printing couple according to claim 1 or 2, characterized in that the second roller (33; 26) is arranged below the first roller (28) in such a way that a plane of connection (V) between the rotational axes of the first roller (28) and the second roller (33; 26) forms an angle of 70 - 110° with the plane (E) of the rotational axes of forme cylinder (07) and first roller (28).
8. Printing couple according to claim 5, characterized in that the third roller (41; 41') is arranged below the forme cylinder (07) in such a way that a plane of connection (F) between the rotational axes of forme cylinder (07) and third roller (41; 41') forms an angle of 70 - 110° with the plane (E) of the rotational axes of forme cylinder (07) and first roller (28).
9. Printing couple according to claim 1 or 2, characterized in that the first roller (28) has an effective inking width of at least four, especially six newspaper pages arranged side by side.
10. Printing couple according to claim 1 or 2, characterized in that the first roller (28) has a circumference which corresponds to at least the length of one newspaper page.
11. Printing couple according to claim 1 or 2, characterized in that the first roller (28) has an effective width which is such that it cooperates fully with four, especially six printing formes (22) arranged side by side on a forme cylinder (07).
12. Printing couple according to claim 1, characterized in that the second roller (33) is embodied as an axially oscillating distribution cylinder (33).

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13. Printing couple according to claim 2 or 12, characterized in that the distribution cylinder (33) also has substantially the same diameter as the forme cylinder (07).
14. Printing couple according to claim 1, characterized in that the second roller (28) is embodied as an anilox roller (26).
15. Printing couple according to claim 5, characterized in that the third roller (41) is embodied as a dampening forme roller (41) of a dampening unit (09).
16. Printing couple according to claim 5, characterized in that the third roller (41) is embodied as a support roller (41).
17. Printing couple according to claim 16, characterized in that the support roller (41) is arranged without a direct contact connection to the ink forme roller train.
18. Printing couple according to claim 1, characterized in that only a single ink forme roller (28) allocated to the inking unit (08) is arranged so as to cooperate with the periphery of the forme cylinder (07).
19. Printing couple according to claim 1 or 2, characterized in that the first roller (28) is configured in the manner of a plastic roller with an encasing jacket made of plastic.
20. Printing couple according to claim 1 or 2, characterized in that a roller cover (251) on the first roller (28) is advantageously configured with a Shore hardness A of at least 50, for example between 60 and 80.

21. Printing couple according to claim 1, characterized in that the first roller (28) has a positive rotational drive.
22. Printing couple according to claim 1 or 2, characterized in that the first roller (28) is rotationally driven by a drive motor that is independent of the forme cylinder (07).
23. Printing couple according to claim 1 or 2, characterized in that the forme roller (28) has a convexity.
24. Printing couple according to claim 1 or 2, characterized in that the first roller (28) can be adjusted in different directions, perpendicular to the longitudinal axis of the roller (28), by means of at least two pressure-actuable actuators (322), based upon pressurization.
25. Printing couple according to claim 1 or 2, characterized in that the first roller (28) is mounted in an automatically adjustable roller socket (321) with at least two pressure-actuable actuators (322).
26. Printing couple according to claim 1 or 2, characterized in that the first roller (28) has an ink forme roller cover (45) in the form of a finite roller cover, the ends of which can be fastened in a groove in a roller body (50), which extends axially.
27. Printing couple according to claim 1 or 2, characterized in that the first roller (28) has an ink forme roller cover (45), which is inseparably attached to a roller body (50).
28. Printing couple according to claim 1 or 2, characterized in that the first roller (28)

has an ink forme roller cover (45) in the form of a sleeve, which can be pulled onto or removed from a roller body (50).

29. Printing couple according to claim 1 or 2, characterized in that an ink forme roller cover (45) has a compressible layer (46), in addition to a flexible layer.
30. Printing couple according to claim 1 or 2, characterized in that the inking unit (08) is embodied as a so-called long inking unit (08) with two axially oscillating distribution cylinders (33; 33'), which are arranged in series in the inking path.
31. Printing couple according to claim 1 or 2, characterized in that the undistorted diameter of the first roller (28) deviates in its diameter at most by +/- 5%, especially at most by +/- 2%, from the diameter of the forme cylinder (07).
32. Printing couple according to claim 1 or 2, characterized in that the inking unit (08), which comprises at least two distribution cylinders (33; 33'), is slender in configuration, such that the inking unit (08), along with its rollers (28; 33; 33'; 34; 37), including the ink metering system (36; 37; 38), has a significantly greater length, especially by a factor of 1, 2, in a direction parallel to a plane D, which is defined by the two cylinders (06) that form the print position (05), than in the direction perpendicular to this plane (D).
33. Printing couple according to claim 1, characterized in that the forme cylinder (07) has a width of at least four, especially six newspaper pages arranged side by side, and a circumference of only one newspaper page.
34. Printing couple according to claim 1, characterized in that forme and/or transfer

cylinders (06; 07) are each mounted in linear bearings (70) in assigned to them for its/their print-on/print-off adjustment.

35. Printing couple according to claim 23, characterized in that a direction of adjustment (S) defined by the linear bearings (70) forms a maximum angle of  $15^\circ$  with the plane (E).
36. Printing couple according to claim 1, characterized in that forme and/or transfer cylinders (06; 07) are mounted in a bearing unit (14) assigned to them/it for its/their print-on/print-off adjustment.
37. Printing couple according to claim 1, characterized in that two printing couples (04) of this type, with two cooperating transfer cylinders (06) and two allocated forme cylinders (07), together form a blanket-to-blanket printing unit (03).
38. Printing couple according to claim 37, characterized in that the rotational axes of the two transfer cylinders (07) form a plane (D), and the rotational axes of the forme and transfer cylinders allocated to one another form a plane (E), which is different from the first plane.
39. Printing couple according to claim 37, characterized in that all four of the rotational axes of the two transfer cylinders (07) and the two forme cylinders (07) lie within a shared plane (E).
40. Printing couple according to claim 39, characterized in that in at least one of the two printing couples (04) of the blanket-to-blanket printing unit (03), the plane (A) extends inclined in relation to the plane (E) at an angle ( $\delta$ ) greater than  $0^\circ$ .
41. Printing couple according to claim 40, characterized in that in the higher of the

- two printing couples (04) of the blanket-to-blanket printing unit (03), the plane (A) extends inclined in relation to the plane (E) by an angle ( $\delta$ ) that is greater than  $0^\circ$ .
42. Printing couple according to claim 1, 2 or 40, characterized in that the printing couple (04) has a semi-automatic or a semi- or fully automatic plate changing system.
43. Printing couple according to claim 1 or 2, characterized in that the printing couple is embodied as printing couple (04) for wet offset, and a dampening unit (09) cooperates with the forme cylinder (07).
44. Printing couple according to claim 43, characterized in that the printing couple is embodied with pre-dampening, i.e., once a point on the forme cylinder (07) has passed through the nip point with the transfer cylinder (06), this point comes first into active contact with a dampening forme roller (41), and only then with the roller (28) of the inking unit (08).
45. Printing couple according to claim 1, characterized in that the transfer cylinder (06) has a circumference of two newspaper pages arranged one in front of the other.
46. Printing couple according to claim 1 or 2, characterized in that at least one of the two distribution cylinders (33; 33') has a positive rotational drive.
47. Printing couple according to claim 46, characterized in that only one of the two distribution cylinders (33; 33') has a positive rotational drive, and the other is rotationally driven solely via friction with adjacent rollers.
48. Printing couple according to claim 1 or 2, characterized in that forme and transfer

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cylinders (06; 07) of the printing couple (04) are driven by at least one drive motor (121), which is mechanically independent from other printing couples.

49. Printing couple according to claim 1 or 2, characterized in that forme and transfer cylinders (06; 07) of the printing couple (04) are driven each by its own drive motor (121), which is mechanically independent from other cylinders.

50. Printing couple according to claim 48 or 49, characterized in that the drive motor (121) is embodied as a permanent magnet synchronous motor (121).



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/224,297	08/22/2008	Bernd Kurt Masuch	W1.2687 PCT-US	7751

23294 7590 11/08/2010  
JONES, TULLAR & COOPER, P.C.  
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ARLINGTON, VA 22202

EXAMINER

NGUYEN, JUDY

ART UNIT	PAPER NUMBER
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2854

MAIL DATE	DELIVERY MODE
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11/08/2010

PAPER

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

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



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

<b>In re Application of</b>	<b>: DECISION ON REQUEST TO</b>
<b>MASUCH et al.</b>	<b>: PARTICIPATE IN THE PCT PATENT</b>
<b>Application No.: 12/224,297</b>	<b>: PROSECUTION HIGHWAY PILOT</b>
<b>Filed: 22 August 2008</b>	<b>: PROGRAM AND PETITION</b>
<b>Attorney Docket No.: W1.2687 PCT-US</b>	<b>: TO MAKE SPECIAL UNDER</b>
<b>For: PRINTING GROUPS OF A</b>	<b>: 37 CFR 1.102(d)</b>
<b>PRINTING PRESS</b>	

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

The request and petition are **GRANTED**.

**Discussion**

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

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

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

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

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

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

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

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



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



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/224,415	11/18/2008	Gérard Coquerel	Servier 538 PCT	8390
25666	7590	01/18/2011	EXAMINER	
THE FIRM OF HUESCHEN AND SAGE SEVENTH FLOOR, KALAMAZOO BUILDING 107 WEST MICHIGAN AVENUE KALAMAZOO, MI 49007			CHUNG, SUSANNAH LEE	
			ART UNIT	PAPER NUMBER
			1626	
			MAIL DATE	DELIVERY MODE
			01/18/2011	PAPER

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

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



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JAN 18 2011

HUESCHEN AND SAGE  
SEVENTH FLOOR, KALAMAZOO BUILDING  
107 WEST MICHIGAN AVENUE  
KALAMAZOO, MI 49007

In re Application of  
Coquerel et al.  
Serial No.: 12/224415  
Filed: November 18, 2008  
Attorney Docket No.: SERVIER 538 PCT

Decision on Petition

This letter is in response to the Petition under 37 C.F.R. 1.181, filed on August 30, 2010 to request the supervisory authority of the Commissioner in a matter involving an *ex parte* restriction requirement.

## BACKGROUND

On February 26, 2007, Applicant filed international application PCT/FR2007/000334 which designated the U.S. and claimed a priority date of February 28, 2006. A copy of the international application was communicated to the USPTO on August 26, 2008.

The present application was filed under 35 USC 371 on November 18, 2008 with 9 originally presented claims, wherein these claims were cancelled and replaced with nine new claims (10-18) in a preliminary amendment.

An action setting forth a lack on unity requirement was mailed to applicants on March 9, 2010. In this Office action, the examiner restricted the 9 pending claims into Groups I-III. A reference was provided in the requirement to establish a lack of inventive step of the claimed product over the prior art.

On April 12, 2010, applicants elected, with traverse, the claims drawn to Group I. Applicant's argued that the claimed products are not obvious over the teachings of the cited prior art.

On June 10, 2010, the examiner acknowledged the election of Group I, claims 10-12 and 14-16; further considered the traversal and found applicant's arguments non-persuasive and made the restriction requirement FINAL. A first Office action on the merits was also mailed as a part of this same communication, in which the elected claims were rejected under 35 USC § 112 paragraph 2, and 103(a).

On August 30, 2010, applicants filed a Petition From A Requirement For Restriction Under 37 CFR §§ 1.144 and 1.181 requesting reconsideration of the unity of invention requirement.

## DISCUSSION

The application, file history, and petition filed on August 30, 2010 under 37 C.F.R. 1.181, to request review of the restriction requirement has been considered.

Unity of invention is applicable to national state applications submitted under 35 USC 371. See, MPEP 1893.03(d). During the national stage, a designated or elected Office will follow PCT Rules 13.1 and 13.2 when considering unity of invention of the claims.

PCT Rule 13.1 states:

The international application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept ("requirement of unity of invention").

PCT Rule 13.2 states:

Where a group of inventions is claimed in one and the same international application, the requirement of unity of invention referred to in Rule 13.1 shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art.

The examiner set forth the Lack of Unity requirement as follows:

Group I, claim(s) 10-12 and 14-16, drawn to a  $\beta$ -crystalline form of the L-arginine salt of perindopril of formula (I).

Group II, claim(s) 13, drawn to a process for the preparation of  $\beta$ -crystalline form of the L-arginine salt of perindopril of formula (I).

Group III, claim(s) 17-18, drawn to a method of using  $\beta$ -crystalline form of the L-arginine salt of perindopril of formula (I).

As indicated in both the Lack of Unity requirement of March 2010 and in the Office action of June 2010, the groups were identified as lacking unity of invention because the common technical feature failed to provide a contribution over the prior art based on the teachings of U.S. Patent 6,696,481.

Applicant argues that the patent (the Damien reference) fails to teach the claimed invention. The Damien reference has been reviewed, as have the Office policy with respect to the application of polymorphs of

chemical compounds as exemplified both by the USPTO presentations of June 13, 2006, and the update on September 2, 2009. In view of the lack of any teaching in the prior art of the instantly claimed polymorphs, and the accepted unpredictability of a particular polymorph over a prior disclosure, the prior art fails to teach or suggest the claimed polymorph. As such, the examiner failed to establish a *prima facie* based on lack of a special technical feature, and the requirement for unity of invention election is improper.

## DECISION

For these reasons above, the petition under 37 C.F.R. 1.181 is **GRANTED**.

The period of reply set forth in the Office action mailed on May 27, 2010 continues to run.

Should there be any questions regarding this decision, please contact Supervisory Patent Examiner Zachariah Lucas, by mail addressed to Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at (571) 272-1600 or by Official Fax at 703-872-9306.

If Applicant wants to request reconsideration it must be filed within 2 months of the mail date of this decision.

  
Irem Yucel  
Director, Technology Center 1600

## 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:	12/224,441	Filing date:	November 12, 2008
First Named Inventor:	Karl Robert Schäfer		

Title of the invention: **PRINTING GROUPS OF A PRINTING PRESS**

**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/EFSWEB\\_HELP.HTML](http://www.uspto.gov/efsweb_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/EP2007/051954**

The international date of the corresponding PCT application(s) is/are: **March 1, 2007**

**I. List of Required Documents:**

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

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

(continued)

Application No.:	12/224,441
First Named Inventor:	Karl Robert Schäfer

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

is attached

Has already been filed in the above-identified U.S. application on August 27, 2008

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

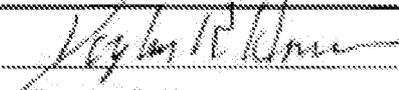
Are attached.

Have already been filed in the above-identified U.S. application on August 27, 2008

**II. Claims Correspondence Table:**

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
109, 110	1, 2	direct correspondence
111 - 118	3 - 10	U.S. claim amended to remove multiple dependency
119	11	direct correspondence
120 - 122	12 - 14	U.S. claim amended to remove multiple dependency
123 - 128	15 - 20	direct correspondence
129, 130	21, 22	U.S. claim amended to remove multiple dependency
131	23	direct correspondence
132 - 143	24 - 35	U.S. claim amended to remove multiple dependency
144, 145	36, 37	direct correspondence
146 - 148	38 - 40	U.S. claim amended to remove multiple dependency
149	41	direct correspondence
150, 151	42, 43	U.S. claim amended to remove multiple dependency
152	44	direct correspondence
153 - 155	45 - 47	U.S. claim amended to remove multiple dependency
155	48	direct correspondence
157 - 160	49 - 52	U.S. claim amended to remove multiple dependency

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

Signature		Date	October 5, 2010
Name (Print/Typed)	Douglas R. Hanscom	Registration Number	26600

# KARIN T. DUNN

## GERMAN TRANSLATION AND LANGUAGE SERVICES

Certified by the American Translators Association

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

Date: September 30<sup>th</sup>, 2010

### DECLARATION

The undersigned, Karin T. Dunn, hereby states that she is well acquainted with both the English and German languages and that the attached is a true translation to the best of her knowledge and ability of the German text of the amended claims, submitted with the International Preliminary Report on Patentability, for PCT/EP2007/051954, which was filed on 1 March 2007 and was published on 7 September 2007 as WO 2007/099147 A2.

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

  
Karin T. Dunn

Translation of the pertinent portions of a Notification of the Transmittal of the International Preliminary Report Regarding Patentability in accordance with Rule 71.1 PCT, mailed on 07/07/2008

2. This report comprises a total of 10 pages including this cover sheet.
3. Enclosures are also included with the report; these include

A total of 13 pages (*sent to the applicant and to the International Authority*), which include

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

4. This report contains information on the following items:

Box I      Basis of the Report

Box IV     Lack of unity of the invention

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



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

1. Statement

Novelty (N)	Yes: Claims 1-52
	No: Claims

Inventive Step (IS)	Yes: Claims 1-52
	No: Claims

Industrial Applicability (IA)	Yes: Claims 1-52
	No: Claims

2. Citations and Explanations (Rule 70.7):

See supplementary pages

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

**Re Item IV.**

This Authority has determined that the international application contains a plurality of inventions or groups of inventions, which are not connected by a single, common inventive idea (Rule 13.1 PCT), namely:

First Invention: claims 1, 3-52

Arrangement of the transfer cylinder, forme cylinder and ink forme roller

Second Invention: claims 2-19, 21, 22, 24-36, 38-52

Positive drive for an ink forme roller in a dry offset printing couple

For the following reasons, these groups are not connected to one another in such a way that they realize a single, common inventive idea (Rule 13.1 PCT):

An ink forme roller having the same diameter as the cooperating forme cylinder in a printing couple that is configured as a blanket-to-blanket printing unit is known from D10 (WO2005/097503) (see Fig. 10 and 6d).

Therefore, the previously published document D10 describes a printing couple of a printing press, comprising a transfer cylinder (06), a forme cylinder (07), a first roller () [sic - Translator] of an inking unit, which roller cooperates with the forme cylinder as an ink forme roller (see Fig. 8, 10 or 12),

- wherein the inking unit is configured with two axially oscillating distribution cylinders arranged in series in the inking path between the ink supply system and the forme cylinder (see Fig. 12)

- wherein the rotational axes of the forme cylinder and the allocated transfer cylinder, when their rotational axes are in the operational position, define a plane, and wherein two printing couples of this type, along with two cooperating transfer cylinders and two allocated forme cylinders, together form a blanket-to-blanket printing unit (see Fig. 12).

First Invention: claims 1, 3-52

The object of the first invention differs from the previously published document D10 with respect to the following special technical characterizing features:

- the first roller has substantially the same diameter as the cooperating forme cylinder

- in the operational position, a plane (A) through the rotational axes of the forme roller and of the forme cylinder forms a maximum angle of 15° with the plane (E) through the rotational axes of the cooperating forme cylinder and the transfer cylinder.

These characterizing features of the group of claims solve the problem of devising an alternative cylinder arrangement for a blanket-to-blanket printing unit, which serves to minimize vibrations.

Second invention: claims 2-19, 21, 22, 24-36, 38-52

The object of the second invention differs from the previously published document with respect to the following special technical characterizing features:

- the printing couple is embodied as a dry offset printing couple and is configured without a dampening unit
- only a single ink forme roller of the inking unit cooperates with the forme cylinder, which has substantially the same diameter as the forme cylinder
- the first roller has a positive rotational drive

These characterizing features of the group of claims solve the problem of devising an alternative cylinder arrangement for a dry offset printing couple.

Therefore, the two described groups of inventions solve different problems with respect to the previously mentioned prior art, using different special technical characterizing features.

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

The two described groups of inventions therefore do not fulfill the requirement of unity of invention in accordance with Rules 13.1 and 13.2 PCT.

#### Re Item V.

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

Reference is made to the following documents:

- D1: GB-A-2 398 272 (GOSS GRAPHIC SYSTEMS LTD [GB]) 18 August 2004 (08/18/2004)
- D2: EP-A-0 557 635 (FUKUDA MANABU [JP]) 1 September 1993 (09/01/1993)
- D3: EP-A-0 149 841 (HEIDELBERGER DRUCKMASCH AG [DE]) 31 July 1985 (07/31/1985)
- D4: DE 100 44 860 A1 (HEIDELBERGER DRUCKMASCH AG [DE]) 17 May 2001 (05/17/2001)
- D5: US-A-3 007 403 (BARNES JOSEPH T) 7 November 1961 (11/07/1961)
- D6: DE 199 11 180 A1 (KOENIG & BAUER AG [DE]) 21 September 2000 (09/21/2000), cited in the application

D7: DE 195 20 841 A1 (ROLAND MAN DRUCKMASCH [DE]) 12 December 1996 (12/12/1996)

D8: DE 101 63 961 A1 (KOENIG & BAUER AG [DE]) 17 July 2003 (07/17/2003)

D9: US-A-3 467 008 (DOMOTOR JULIUS A) 16 September 1969 (09/16/1969)

D10: WO 2005/097503 A (KOENIG & BAUER AG [DE]); SCHNEIDER GEORG [DE]; FISCHER MICHAEL HEINZ [D] 20 October 2005 (10/20/2005)

First Invention: Claims 1, 3-52

Arrangement of the transfer cylinder, forme cylinder and ink forme roller

1. Document D1 is considered the closest prior art in relation to the object of claim 1.

Therefore, the previously published document D10 describes a printing couple for a printing press, comprising a transfer cylinder (06), a forme cylinder (07), a first roller of an inking unit, which roller cooperates with the forme cylinder as an ink forme roller (see Fig. 8, 10 or 12)

- wherein the inking unit is configured with two axially oscillating distribution cylinders, arranged in series in the inking path between the ink supply system and the forme cylinder (see Fig. 12)

- wherein the rotational axes of the forme cylinder and the allocated transfer cylinder, when their rotational axes are in the operational position, define a plane, and wherein two printing couples of this type, along with two cooperating transfer cylinders and two allocated forme cylinders, together form a blanket-to-blanket printing unit (see Fig. 12)

The object of claim 1 differs from the previously published document D10 with respect to the following special technical characterizing features:

- the first roller has substantially the same diameter as the cooperating forme cylinder

- in the operational position, a plane (A) through the rotational axes of the forme roller and the forme cylinder forms a maximum angle of  $15^\circ$  with the plane (E) through the rotational axes of the cooperating forme cylinder and the transfer cylinder.

With this arrangement (size of forme roller and angle) stabilization is achieved. D6, or D10 (Fig. 10) discloses an inking unit with an ink forme roller, the diameter of which is the same as that of the plate cylinder. However, this is a short inking unit in a dry offset printing couple (and not a long inking unit, as in claim 1).

In D1, a long inking unit for a wet offset printing couple is disclosed, comprising, inter alia, a forme roller having the same diameter as the plate cylinder (see Fig. 10 and page 9, first paragraph). It is not proposed to select a specific angular

configuration of the cylinders (transfer, plate and forme rollers) such that a minimization of the vibrations is achieved.

For this reason, the object of claim 1 is based upon an inventive step.

2. Claims 3-52 are dependent upon claim 1, and therefore also fulfill the requirements of the PCT with respect to novelty and an inventive step.

Second Invention: Claims 2-19, 21, 22, 24-36, 38-52

Positive drive for an ink forme roller in a dry offset printing couple

1. Document D1 is considered the closest prior art for the object of claim 1.

Therefore, the previously published document D10 discloses a printing couple for a printing press, comprising a transfer cylinder (06), a forme cylinder (07), a first roller () [sic - Translator] of an inking unit, which roller cooperates with the forme cylinder as an ink forme roller (see Fig. 8, 10 or 12)

- wherein the inking unit is configured with two axially oscillating distribution cylinders, arranged in series in the inking path between the ink supply system and the forme cylinder (see Fig. 12)
- wherein the rotational axes of the forme cylinder and the allocated transfer cylinder, when their rotational axes are in the operational position, define a plane, and wherein two printing couples of this type, along with two cooperating transfer cylinders and two allocated forme cylinders, together form a blanket-to-blanket printing group (see Fig. 12)

The object of claim 2 differs from the previously published document D10 with respect to the following special technical characterizing features:

- the printing couple is embodied as a dry offset printing couple and is configured without a dampening unit
- only a single ink forme roller of the inking unit cooperates with the forme cylinder, which has substantially the same diameter as the forme cylinder
- the first roller has a positive rotational drive.

These characterizing features of the group of claims solve the problem of devising an alternative cylinder arrangement for a dry offset printing couple.

D8 and D10 disclose positively driven distribution cylinders (and not positively driven forme rollers). D9 discloses an inking unit, wherein one or four forme rollers is positively driven. By virtue of its differential speed, this roller picks up all [sic - should be "old" - Translator] ink and particles from the forme cylinder. Therefore, one of ordinary skill in the art would not use this positively driven roller in an inking unit having only one forme roller.

Especially with the characterizing feature "positively driven forme roller," it is ensured that the same points on the forme roller always roll off against the same points on the forme cylinder.

For these reasons, the object of claim 2 is based upon an inventive step.

2. The claims 3-19, 21, 22, 24-36, 38-52 are dependent up on claim 2 and therefore also fulfill the requirements of the PCT with respect to novelty and an inventive step.

## Claims

1. Printing couple of a web-fed rotary printing press, comprising a transfer cylinder (06), a forme cylinder (07), a roller (41), which cooperates with the forme cylinder (07) as forme roller (41) of a dampening unit (08), and with a first roller (28) of an inking unit (08), wherein said first roller cooperates with the forme cylinder (07) as an ink forme roller (28), wherein the inking unit (08) is configured with two axially oscillating distribution cylinders (33; 33'), arranged in series in the inking path between the ink supply system and the forme cylinder (07), wherein the rotational axes of the forme cylinder (07) and the allocated transfer cylinder (06), when their rotational axes are in the operational position, define a plane (E), and wherein two printing couples (04) of this type, combined with two cooperating transfer cylinders (06) and two allocated forme cylinders (07) together form a blanket-to-blanket printing unit (03), characterized in that the first roller (28) has substantially the same diameter as the cooperating forme cylinder (07), in that in the operational position a plane (A) through the rotational axes of the forme roller (28) and the forme cylinder (07) forms a maximum angle  $\delta$  of  $15^\circ$  with the plane (E) through the rotational axes of the cooperating forme cylinder (07) and the transfer cylinder (06).
2. Printing couple of a web-fed rotary printing press, wherein the printing couple is embodied as a dry offset printing couple and is configured without a dampening unit, with a transfer cylinder (06), a forme cylinder, and a first roller (28) of an inking unit (08), wherein said first roller cooperates with the forme cylinder as an ink forme roller (28), wherein the inking unit (08) is configured with two axially oscillating distribution cylinders (33; 33'), arranged in series in the inking path between the ink supply system and the forme cylinder (07), and wherein two printing couples (04) of this type, along with two cooperating transfer cylinders (06) and two allocated forme cylinders (07), together form a blanket-to-blanket printing unit (03), characterized in that only a single ink forme roller (28) of the inking unit (08) cooperates with the forme cylinder (07), which has

- substantially the same diameter as the forme cylinder (07), and in that the first roller (28) has a positive rotational drive.
3. Printing couple according to claim 1 or 2, characterized in that in the print-on position, the rotational centers of the forme and transfer cylinders (06; 07) of two printing couples (04) that cooperate as a blanket-to-blanket printing unit (03) form a plane (E), and in that the plane (E) and the incoming and outgoing web form an interior angle with one another, which deviates from 90°, measuring between 75 and 88°.
  4. Printing couple according to claim 1 or 2, characterized in that the rotational axes of the forme cylinder (07) and of the allocated transfer cylinder (06), when said rotational axes are in the operational position, define a plane (E), and in that in the operational position, a plane (A) through the rotational axes of the forme roller (28) and the forme cylinder (07) forms a maximum angle  $\delta$  of 45° with the plane (E) through the rotational axes of the forme cylinder (07) and the transfer cylinder (06).
  5. Printing couple according to claim 1 or 2, characterized in that a second roller (33; 26), which cooperates with the first roller (28), is provided below the plane (E).
  6. Printing couple according to claim 1 or 2, characterized in that the forme cylinder (07) is mounted so as to be adjustable by means of at least one pressure-actuable actuator (82), which is allocated only to the forme cylinder (07), and the first roller (28) is mounted so as to be adjustable by means of at least one pressure actuable actuator (253; 322), which is allocated only to the roller (28), said adjustment occurring with a motion component in the direction of the transfer cylinder (06).
  7. Printing couple according to claim 1 or 2, characterized in that the rotational axes of the first roller (28), the forme cylinder (07), and the allocated transfer cylinder (06) are arranged with their rotational axes in the same plane (E; A).

8. Printing couple according to claim 1 or 2, characterized in that additionally, a third roller (41; 41'), which cooperates with the forme cylinder (07), is provided below the plane (E).
9. Printing couple according to claim 1 or 2, characterized in that the second roller (33) is arranged substantially vertically below the first roller (28).
10. Printing couple according to claim 1 or 2, characterized in that the second roller (33; 26) is arranged below the first roller (28) in such a way that a plane of connection (V) between the rotational axes of the first roller (28) and the second roller (33; 26) forms an angle of 70 - 110° with the plane (E) of the rotational axes of forme cylinder (07) and first roller (28).
11. Printing couple according to claim 8, characterized in that the third roller (41; 41') is arranged below the forme cylinder (07) in such a way that a plane of connection (F) between the rotational axes of forme cylinder (07) and third roller (41') forms an angle of 70 - 110° with the plane (E) of the rotational axes of forme cylinder (07) and first roller (28).
12. Printing couple according to claim 1 or 2, characterized in that the first roller (28) has an effective inking width of at least four, especially six newspaper pages arranged side by side.
13. Printing couple according to claim 1 or 2, characterized in that the first roller (28) has a circumference which corresponds to at least the length of one newspaper page.
14. Printing couple according to claim 1 or 2, characterized in that the first roller (28) has an effective width which is such that it cooperates fully with four, especially six printing

- formes (22) arranged side by side on the forme cylinder (07).
15. Printing couple according to claim 5, characterized in that the second roller (33) is embodied as an axially oscillating distribution cylinder (33).
  16. Printing couple according to claims 15, characterized in that the distribution cylinder (33) also has substantially the same diameter as the forme cylinder (07).
  17. Printing couple according to claim 8, characterized in that the third roller (41) is embodied as a dampening forme roller (41) of a dampening unit (09).
  18. Printing couple according to claims 8, characterized in that the third roller (41') is embodied as a support roller (41').
  19. Printing couple according to claim 18, characterized in that the support roller (41') is arranged without a direct contact connection to the ink forme roller train.
  20. Printing couple according to claim 1, characterized in that only a single ink forme roller (28) allocated to the inking unit (08) is arranged so as to cooperate with the periphery of the forme cylinder (07).
  21. Printing couple according to claim 1 or 2, characterized in that the first roller (28) is configured in the manner of a plastic roller with an encasing jacket made of plastic.
  22. Printing couple according to claim 1 or 2, characterized in that a roller cover (251) on the first roller (28) is advantageously configured with a Shore hardness A of at least 50, for example between 60 and 80.

23. Printing couple according to claim 1, characterized in that the first roller (28) has a positive rotational drive.
24. Printing couple according to claim 1 or 2, characterized in that the first roller (28) is rotationally driven by a drive motor that is independent of the forme cylinder (07).
25. Printing couple according to claim 1 or 2, characterized in that the forme roller (28) has a convexity.
26. Printing couple according to claim 1 or 2, characterized in that the first roller (28) can be adjusted in different directions, perpendicular to the longitudinal axis of the roller (28), by means of at least two pressure-actuatable actuators (322), based upon pressurization.
27. Printing couple according to claim 1 or 2, characterized in that the first roller (28) is mounted in an automatically adjustable roller socket (321) with at least two pressure-actuatable actuators (322).
28. Printing couple according to claim 1 or 2, characterized in that the first roller (28) has an ink forme roller cover (45) in the form of a finite roller cover, the ends of which can be fastened in a groove in a roller body (50), which extends axially.
29. Printing couple according to claim 1 or 2, characterized in that the first roller (28) has an ink forme roller cover (45), which is inseparably attached to a roller body (50).
30. Printing couple according to claim 1 or 2, characterized in that the first roller (28) has an ink forme roller cover (45) in the form of a sleeve, which can be pulled onto or removed from a roller body (50).

31. Printing couple according to claim 1 or 2, characterized in that an ink forme roller cover (45) has a compressible layer (46), in addition to a predominantly flexible layer, especially a rubber layer.
32. Printing couple according to claim 1 or 2, characterized in that the undistorted diameter of the first roller (28) deviates in its diameter at most by +/- 5%, especially at most +/- 2%, from the diameter of the forme cylinder (07).
33. Printing couple according to claim 1 or 2, characterized in that the inking unit (08) which comprises at least two distribution cylinders (33; 33'), along with its rollers (28; 33; 33'; 34; 37), including the ink metering system (36; 37; 38), has a significantly greater length, especially by at least a factor of 1, 2, in a direction parallel to a plane D, which is defined by the two cylinders (06) that form the print position (05), than in the direction perpendicular to this plane (D).
34. Printing couple according to claim 1 or 2, characterized in that the forme cylinder (07) has the width of at least four, especially six newspaper pages arranged side by side, and a circumference of only one newspaper page.
35. Printing couple according to claim 1 or 2, characterized in that forme and/or transfer cylinders (06; 07) are each mounted in linear bearings (70) in assigned to them for its/their print-on/print-off adjustment.
36. Printing couple according to claim 35, characterized in that a direction of adjustment (S) defined by the linear bearings (70) forms a maximum angle of 15° with the plane (E).
37. Printing couple according to claim 1, characterized in that forme and/or transfer cylinders

- (06; 07) are mounted in a bearing unit (14) assigned to them/it for its/their print-on/print-off adjustment.
38. Printing couple according to claim 1 or 2, characterized in that the rotational axes of the two transfer cylinders (07) form a plane (D), and the rotational axes of the forme and transfer cylinders allocated to one another form a plane (E), which is different from the plane (D).
39. Printing couple according to claim 1 or 2, characterized in that all four of the rotational axes of the two transfer cylinders (07) and the two forme cylinders (07) lie within a shared plane (E).
40. Printing couple according to claim 38 or 39, characterized in that in at least one of the two printing couples (04) of the blanket-to-blanket printing unit (03), the plane (A) extends inclined in relation to the plane (E) at an angle ( $\beta$ ) greater than  $0^\circ$ .
41. Printing couple according to claim 40, characterized in that in the higher of the two printing couples (04) of the blanket-to-blanket printing unit (03), the plane (A) extends inclined in relation to the plane (E) by an angle ( $\beta$ ) that is greater than  $0^\circ$ .
42. Printing couple according to claim 1, 2 or 40, characterized in that the printing couple (04) has a partially or fully automatic plate changing system.
43. Printing couple according to claim 1 or 2, characterized in that the printing couple is embodied as printing couple (04) for wet offset, and a dampening unit (09) cooperates with the forme cylinder (07).
44. Printing couple according to claim 43, characterized in that the printing couple is embodied with pre-dampening, i.e., once a point on the forme cylinder (07) has passed through the nip point with the transfer cylinder (06), this point comes first into active contact with a dampening forme roller (41), and only then with the roller (28) of the inking unit (08).

45. Printing couple according to claim 1 or 2, characterized in that the two printing couples (04) that cooperate with one another are mounted in different frame sections (11; 12), which are structured so as to be movable in relation to one another.
46. Printing couple according to claim 1 or 2, characterized in that the transfer cylinder (06) has a circumference of two newspaper pages arranged one in front of another.
47. Printing couple according to claim 1 or 2, characterized in that at least one of the two distribution cylinders (33; 33') has a positive rotational drive.
48. Printing couple according to claim 47, characterized in that only one of the two distribution cylinders (33; 33') has a positive rotational drive, and the other is rotationally driven solely via friction with adjacent rollers.
49. Printing couple according to claim 1 or 2, characterized in that forme and transfer cylinders (06; 07) of the printing couple (04) are driven by at least one drive motor (121), which is mechanically independent from other printing couples.
50. Printing couple according to claim 1 or 2, characterized in that forme and transfer cylinders (06; 07) of the printing couple (04) are driven each by its own drive motor (121), which is mechanically independent from other cylinders.
51. Printing couple according to claim 49 or 50, characterized in that the drive motor (121) is embodied as a permanent magnet synchronous motor (121).

01/17/2008

85

52. Printing couple according to claim 1 or 2, characterized in that the inking unit (08) is configured as a so-called long inking unit (08).



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/224,441	11/12/2008	Karl Robert Schafer	W 1 .2692 PCT-US	8733
23294	7590	11/08/2010	EXAMINER	
JONES, TULLAR & COOPER, P.C. P.O. BOX 2266 EADS STATION ARLINGTON, VA 22202			HINZE, LEO T	
			ART UNIT	PAPER NUMBER
			2854	
			MAIL DATE	DELIVERY MODE
			11/08/2010	PAPER

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

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



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

**In re Application of** : **DECISION ON REQUEST TO**  
**SCHÄFER et al.** : **PARTICIPATE IN THE PCT PATENT**  
**Application No.: 12/224,441** : **PROSECUTION HIGHWAY PILOT**  
**Filed: 27 August 2008** : **PROGRAM AND PETITION**  
**Attorney Docket No.: W1.2692 PCT-US** : **TO MAKE SPECIAL UNDER**  
**For: PRINTING GROUPS OF A** : **37 CFR 1.102(d)**  
**PRINTING PRESS**

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

The request and petition are **GRANTED**.

**Discussion**

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

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

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

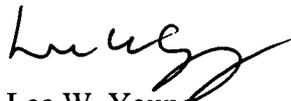
(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

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

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

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

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



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



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/224,445	08/27/2008	Kazuhiro Hayashi	138223	9293
25944	7590	10/25/2011	EXAMINER	
OLIFF & BERRIDGE, PLC			AVERY, BRIDGET D	
P.O. BOX 320850			ART UNIT	PAPER NUMBER
ALEXANDRIA, VA 22320-4850			3618	
			NOTIFICATION DATE	DELIVERY MODE
			10/25/2011	ELECTRONIC

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

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

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

OfficeAction25944@oliff.com  
jarmstrong@oliff.com



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

In re application of : **DECISION ON REQUEST TO**  
Hayashi et al. : **PARTICIPATE IN PATENT**  
Application No. 12/224445 : **PROSECUTION HIGHWAY**  
Filed: August 27, 2008 : **PROGRAM AND PETITION**  
For: VEHICLE AND VEHICLE : **TO MAKE SPECIAL UNDER**  
CONTROL METHOD : **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 4, 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 28, 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: 10/20/11



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NOKIA CORPORATION  
C/O WARE, FRESSOLA, VAN DER SLUYS & ADOLPHSON LLP  
BUILDING FIVE, BRADFORD GREEN  
755 MAIN STREET, P.O. BOX 224  
MONROE, CT 06468

**MAILED**

FEB 13 2012

In re Application of : **OFFICE OF PETITIONS**  
Henry Haverinen et al :  
Application No. 12/224,453 : **DECISION GRANTING PETITION**  
Filed: February 12, 2009 : **UNDER 37 CFR 1.313(c)(2)**  
Attorney Docket No. 915-007.291 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, February 10, 2012 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

**Petitioner is advised that the issue fee paid on January 18, 2012 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.**

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

This matter is being referred to Technology Center AU 2464 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/  
Irvin Dingle  
Petitions Examiner  
Office of Petitions

---

<sup>1</sup> 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).



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

**MAILED**  
**DEC 09 2011**

**PCT LEGAL ADMINISTRATION**

In re Application of	:	
HANG, et al.	:	
U.S. Application No.: 12/224,537	:	
PCT No.: PCT/US2006/007221 (as corrected)	:	
Int. Filing Date: 01 March 2006	:	DECISION ON PETITION
Priority Date: 03 March 2005	:	UNDER 37 CFR 1.182
Attorney Docket No.: PU060033	:	
For: METHOD AND APPARATUS FOR	:	
SENSING CHANNEL AVAILABILITY	:	
IN WIRELESS NETWORKS	:	

This decision is issued in response to applicant's "PETITION UNDER 37 C.F.R. 1.182" filed 17 November 2011 in the United States Patent and Trademark Office (USPTO). The petition seeks to correct the international application number for the national stage application papers electronically filed 28 August 2008, so as to allow such materials to be treated as the U.S. national stage of PCT/US2006/007221. Applicant has provided payment of the required \$400 petition fee.

**BACKGROUND**

On 16 November 2011, applicant was mailed a communication informing applicant that there was a discrepancy between the international application number keyed into the USPTO's EFS-Web filing system and the international application number listed on the filed documents, i.e. the filed declaration and preliminary amendment. Applicant was afforded two months to file a petition under 37 CFR 1.182 to correct the error.

On 17 November 2011, applicant filed the petition considered herein.

**DISCUSSION**

Based on United States Patent and Trademark Office (USPTO) processing procedures, the application file was initiated in the USPTO PALM system as a U.S. national of PCT/US2006/007721, the international application number set forth in the bibliographical data provided by applicant when filing the electronic application.

Applicant presently confirms that the correct international application is PCT/US2006/007221 and the petition further states that the correct international application number was listed on the executed declaration and preliminary amendment

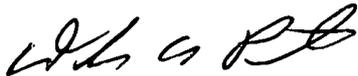
filed 28 August 2008. Applicant's present submission included the required petition fee to correct applicant's clerical error. Accordingly, these materials satisfy the requirements for a grantable petition to correct applicant's error in the bibliographical data filed 28 August 2008 and to permit such materials to be treated as having been directed to international application PCT/US2006/007221.

**CONCLUSION**

Applicant's petition under 37 CFR 1.182 is **GRANTED**.

The materials filed 28 August 2008 assigned U.S. application number 12/224,537 will be treated as the national stage of PCT/US2006/007221.

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



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

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

DATE : 01-14-12

TO SPE OF : ART UNIT 3748

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/224591 Patent No.: 8047824

CofC mailroom date: 12-30-11

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

**FOR IFW FILES:**

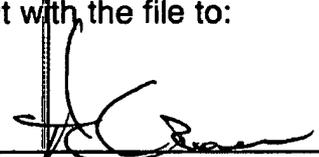
Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

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



Angela Green 571.272.9005  
CofC Branch 703-756-1814

Note: \_\_\_\_\_  
\_\_\_\_\_

**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:** Request for Certificate Of Correction pursuant to 35 U.S.C. 254

and 35 U.S.C. 255 are approved.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SPE *Thomas Denison*

Art Unit 3748



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KATHLEEN T. PETRICH  
GRAHAM & DUNN PC  
2801 ALASKAN WAY, SUITE 300 - PIER 70  
SEATTLE, WA 98121-1128

Art Unit : 3748

In re Application of: Boskovic et al. :  
Appl. No.: 12/224,591 : DECISION ON PETITION  
Filed: August 29, 2008 :  
For: VANE MACHINE WITH STATIONARY AND :  
ROTATING CYLINDER PARTS :

In the petition under 37 CFR 1.323 filed on December 30, 2011, applicants request a correction under 35 U.S.C. 254 and 35 U.S.C. 255.

Regarding the petition under 37 CFR 1.323, the following is required per 37 CFR 1.323:

A certificate of correction under the conditions specified in 35 U.S.C. 255 at the request of the patentee or the patentee's assignee, upon payment of the fee set forth in § 1.20(a).

The requirements set forth in 37 CFR 1.323, as noted above, have been met by applicants' petition.

**The petition is granted**

The errors are corrected as shown below:

Drawing Sheets:

Sheet 1 of 6: Please replace Sheet 1 of 6 with the enclosed (and correct) Drawing Sheet for Sheet 1 of 6.

Sheet 3 of 6: Please replace Sheet 3 of 6 with the enclosed (and correct) Drawing Sheet for Sheet 3 of 6.

State of the Art:

Col. 1, line 60: Please replace "ware" with -- wear --

Detailed Description of One of the Invention Best Embodiments and Its Functioning:

Col. 6, line 36: Please replace "ware" with -- wear --

Invention Application:

Col. 9, line 23: Please replace "27--cylinder ends and the second new paragraph comprising:" with -- 27--cylinder ends --

In the Claims:

Claim 1, Col. 10, line 9: Please replace "vanes" with -- vane --

PETITION GRANTED

*Thomas E. Denion*

Thomas E. Denion  
Supervisory Patent Examiner  
Art Unit: 3748  
571-272-4859  
571-273-4859 fax

**UNITED STATES PATENT AND TRADEMARK OFFICE  
CERTIFICATE**

Patent No. 8,047,824 B2  
Patented: November 1, 2011

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Drawing Sheets:

Sheet 1 of 6: Please replace Sheet 1 of 6 with the enclosed (and correct) Drawing Sheet for Sheet 1 of 6.

Sheet 3 of 6: Please replace Sheet 3 of 6 with the enclosed (and correct) Drawing Sheet for Sheet 3 of 6.

State of the Art:

Col. 1, line 60: Please replace "ware" with -- wear --

Detailed Description of One of the Invention Best Embodiments and Its Functioning:

Col. 6, line 36: Please replace "ware" with -- wear --

Invention Application:

Col. 9, line 23: Please replace "27--cylinder ends and the second new paragraph comprising:" with -- 27--cylinder ends --

In the Claims:

Claim 1, Col. 10, line 9: Please replace "vanes" with -- vane --

*Thomas E. Denion*

Thomas E. Denion  
Supervisory Patent Examiner  
Art Unit: 3748  
571-272-4859  
571-273-4859 fax



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**DATE:** January 24, 2012  
**TO:** Certificates of Correction Branch  
**FROM:** Thomas E. Denion  
SPE, Art Unit 3748  
**SUBJECT:** REQUEST FOR CERTIFICATE OF CORRECTION

Please, issue a Certificate of Correction in U.S. Letters Patent No. 8,047,824 B2 as specified on the attached Certificate.

*Thomas E. Denion*  
Thomas E. Denion  
Supervisory Patent Examiner  
Art Unit: 3748  
571-272-4859  
571-273-4859 fax

**UNITED STATES PATENT AND TRADEMARK OFFICE  
CERTIFICATE OF CORRECTION**Page 1 of 1

PATENT NO. : 8,047,824

APPLICATION NO.: 12/224,591

ISSUE DATE : November 1, 2011

INVENTOR(S) : BOSKOVIC, Nebojsa and MATIJASEVIC, Branimir

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

**Drawing Sheets:**

Sheet 1 of 6: Please replace Sheet 1 of 6 with the enclosed (and correct) Drawing Sheet for Sheet 1 of 6.

Sheet 3 of 6: Please replace Sheet 3 of 6 with the enclosed (and correct) Drawing Sheet for Sheet 3 of 6.

**State of the Art:**

Col. 1, line 60: Please replace "ware" with -- wear --

**Detailed Description of One of the Invention Best Embodiments and Its Functioning:**

Col. 6, line 36: Please replace "ware" with -- wear --

**Invention Application:**

Col. 9, line 23: Please replace "27—cylinder ends and the second new paragraph comprising:" with -- 27—cylinder ends --

**In the Claims:**

Claim 1, Col. 10, line 9: Please replace "vanes" with -- vane --

**MAILING ADDRESS OF SENDER (Please do not use customer number below):**Kathleen T. Petrich, Graham & Dunn PC  
2801 Alaskan Way, Suite 300 - Pier 70  
Seattle, WA 98121-1128

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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

Receipt date: 12/30/2011

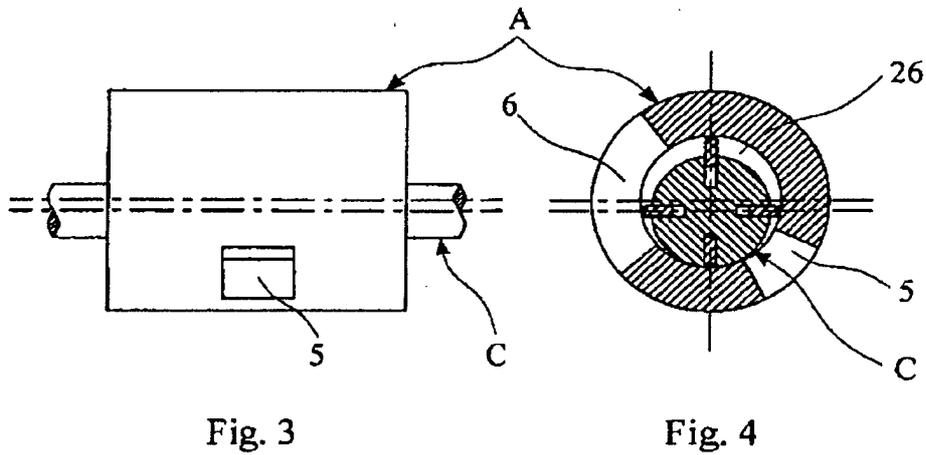
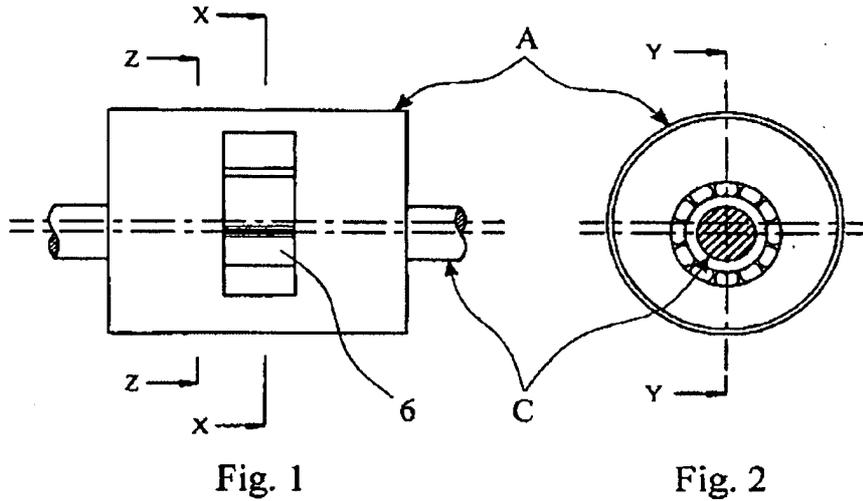
Drawings - Replacement/Correction Sheet, Page 1 of 6; Figs. 1 through  
U.S. Application Serial No.: 12/224,591  
U.S. Patent No.: 8,047,824  
Issue Date: November 1, 2011  
Inventors/Patentees: BOSKOVIC, Nebojsa and MATIJASEVIC, Branimir  
Attorney: Kathleen T. Peirich, Customer No. 29738  
T: 206.624.8300  
Today's Date: December 30, 2011  
Docket No.: M39462-C14664

REPLACEMENT/CORRECTION SHEET

1/6

12224591 - GAU: 3748

APPROVED: /TT/  
01/24/2012



Receipt date: 12/30/2011

Drawings - Replacement/Correction Sheet, Page 3 of 6; Figs. 11 through 18  
U.S. Application Serial No. 12/24591  
U.S. Patent No.: 8,027,824  
Issue Date: November 1, 2011  
Inventors/Patentees: BOSKOVIC, Nebojsa and MATIJASEVIC, Branimir  
Attorney: Kathleen T. Petrich, Customer No. 29736  
T: 206.624.8300  
Today's Date: December 30, 2011  
Docket No.: M39462-C14664

REPLACEMENT/CORRECTION SHEET

APPROVED: /TT/  
01/24/2012

3/6

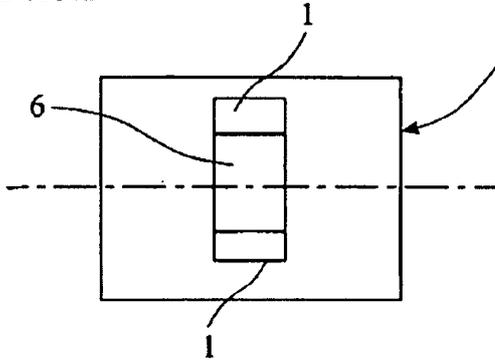


Fig. 11

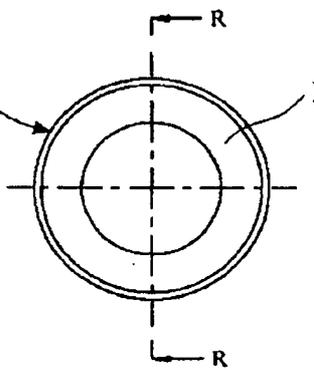


Fig. 12

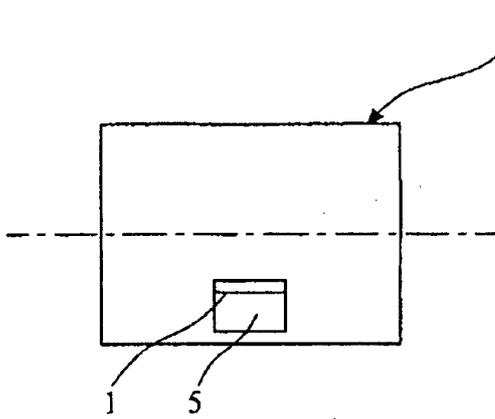


Fig. 13

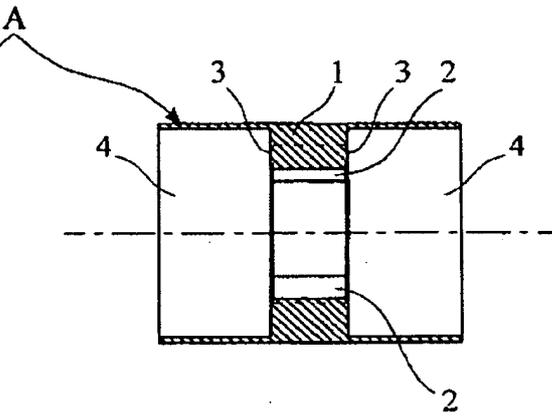


Fig. 14

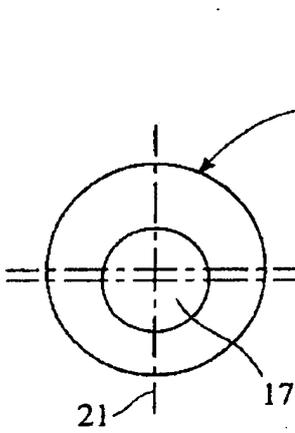


Fig. 16



Fig. 15

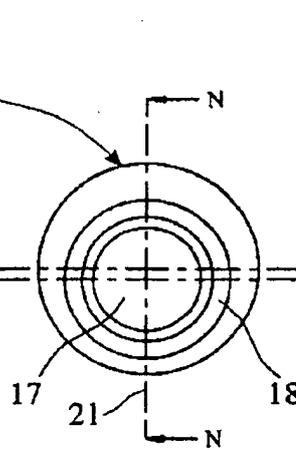


Fig. 17

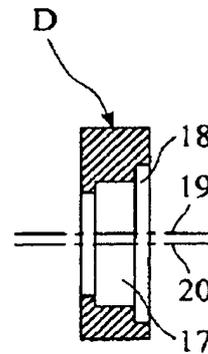


Fig. 18



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J. MICHAEL NEARY  
53939 PINE GROVE ROAD  
LA PINE OR 97739

MAILED

JUN 10 2011

In re Application of :  
Delton J. Bonds :  
Application No. 12/224,631 :  
Filed: September 02, 2008 :  
Attorney Docket No. BONDS4PCT-US :

OFFICE OF PETITIONS  
DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 15, 2011, to revive the above-identified application.

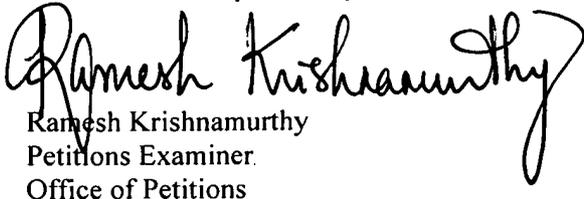
The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, June 10, 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 11, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the previously filed amendment, (2) the petition fee of \$810, and (3) an adequate statement of unintentional delay. Accordingly, the reply to the non-final Office action of June 10, 2010 is accepted as having been unintentionally delayed.

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

This application is being referred to Technology Center AU 3633 for appropriate action on the amendment filed previously on October 12, 2010.

  
Ramesh Krishnamurthy  
Petitions Examiner  
Office of Petitions



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P.O. BOX 320850  
ALEXANDRIA VA 22320-4850

**MAILED**  
**JAN 31 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Stephen Paul Huner, et al. :  
Application No.: 12/224,657 : **ON PETITION**  
Filed: September 3, 2008 :  
Attorney Docket No.: 138349 :

This is a decision on the petition, filed January 24, 2011, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

*Petitioner is advised that the issue fee paid on January 14, 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.<sup>1</sup>*

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 2841 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions

<sup>1</sup> 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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VLP Law Group LLP  
555 Bryant Street  
Suite 820  
Palo Alto CA 94301

**MAILED**

**MAR 16 2012**

**PCT LEGAL ADMINISTRATION**

In re Application of:  
PICKETT et al.

Application No.: 12/224,682

PCT No.: PCT/GB2007/000742

Int. Filing Date: 02 March 2007

Priority Date: 03 March 2006

Atty. Docket No.: 1234-01-002US1

For: PEST REPELLENT COMPRISING  
GERANYLACETONE

DECISION

This decision is issued in response to applicant's "Second Request for Corrected Filing Receipt" filed 08 March 2012 in the United States Patent and Trademark Office (USPTO). The request is being treated as a petition under 37 CFR 1.181 to assign a filing (or 371(c)) date of 03 September 2008. No petition fee is required.

On 01 September 2009, applicant was mailed a Form PCT/DO/EO/903 which identified the 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date as 16 March 2009 and the date of completion of all 35 U.S.C. 371 requirements as 16 March 2009. Subsequently, an Official Filing Receipt was issued indicating a "FILING DATE" of 16 March 2009. Applicant seeks correction of the forms to list a filing (or 371(c)) date of 03 September 2008.

A review of the application file finds that the 35 U.S.C. 371 requirements (basic national fee, copy of international application, and executed declaration of inventorship under PCT Rules 4.17(iv) and 51bis.1(a)(iv)) were filed on 03 September 2008. As such it is proper to **GRANT** applicant's petition at this time.

The Form PCT/DO/EO/903 mailed 01 September 2009 is hereby **VACATED**. The previously mailed Official Filing Receipts are hereby **VACATED**.

The application has an international filing date of 02 March 2007 under 35 U.S.C. 363 and will be given a date of 03 September 2008 under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

Application No.: 12/224,682

2

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision; including the mailing of a corrected Form PCT/DO/EO/903 and Official Filing Receipt.



Anthony Smith  
Attorney-Advisor  
Office of PCT Legal Administration  
Tel.: 571-272-3298  
Facsimile: 571-273-0459



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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.
12/224,687	08/18/2009	Heekook Yang	LGCHEM 3.3-027	2056
86765	7590	05/03/2011	EXAMINER	
LGCHEM Lerner, David, Littenberg, Krumholz & Mentlik, LLP 600 South Avenue West Westfield, NJ 07090			HODGE, ROBERT W	
			ART UNIT	PAPER NUMBER
			1729	
			NOTIFICATION DATE	DELIVERY MODE
			05/03/2011	ELECTRONIC

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

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

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

eOfficeAction@ldlkm.com



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WG

May 2, 2011

In re application of	:	DECISION ON REQUEST TO
Heekook Yang et al.	:	PARTICIPATE IN PATENT
Serial No. 12/224,687	:	PROSECUTION HIGHWAY
Filed: August 18, 2009	:	PROGRAM AND
For: MIDDLE OR LARGE-SIZED BATTERY	:	PETITION TO MAKE SPECIAL
MODULE	:	UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a) to make the above-identified application special filed March 10, 2011.

The request and petition are **GRANTED**.

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

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO, note where the KIPO 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 KIPO application with similar claims and the KIPO priority application;
- (2) Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the KIPO 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 KIPO 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 copy of:
  - a. All of the Office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) that are the basis for the request;

Application No. 12/224,687

- b. An English language translation of the KIPO Office actions from (5)(a) above;  
and
- c. A statement that the English translation is accurate;

(6) Applicant must submit:

- a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already submitted in this application)
- b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

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

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

Any inquiry regarding this decision should be directed to Walter D. Griffin, Supervisory Patent Examiner, at (571) 272-1447.

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>.

Walter D. Griffin/

---

Walter D. Griffin  
Supervisory Patent Examiner  
Technology Center 1700



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MCKENNA LONG & ALDRIDGE LLP  
1900 K STREET, NW  
WASHINGTON DC 20006

**MAILED**  
**APR 06 2012**  
**OFFICE OF PETITIONS**

In re Application of :  
Jong Hye Han :  
Application No. 12/224,796 : DECISION GRANTING PETITION  
Filed: September 5, 2008 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. 9988.549.00 :

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 March 12, 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.<sup>1</sup>*

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 3743 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/  
April M. Wise  
Petitions Examiner  
Office of Petitions

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



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/224,804	09/05/2008	Min-Soo Kang	29137.364.00	3084

30827 7590 01/12/2011  
MCKENNA LONG & ALDRIDGE LLP  
1900 K STREET, NW  
WASHINGTON, DC 20006

EXAMINER
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DIAZ, JOSE

ART UNIT	PAPER NUMBER
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2879

MAIL DATE	DELIVERY MODE
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01/12/2011

PAPER

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

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



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**MCKENNA LONG & ALDRIDGE LLP**  
**1900 K STREET, NW**  
**WASHINGTON DC 20006**

<b>In re Application of</b>	<b>: DECISION ON REQUEST TO</b>
<b>KANG et al.</b>	<b>: PARTICIPATE IN THE PATENT</b>
<b>Application No.: 12/224,804</b>	<b>: PROSECUTION HIGHWAY</b>
<b>Filed: 05 September 2008</b>	<b>: PROGRAM AND PETITION</b>
<b>Attorney Docket No.: 29137.364.00</b>	<b>: TO MAKE SPECIAL UNDER</b>
<b>For: OLED AND FABRICATING</b>	<b>: 37 CFR 1.102(a)</b>
<b>METHOD OF THE SAME</b>	

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 03 December 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

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

1. The U.S. application is
  - a. a Paris Convention application which either
    - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or
    - ii. validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims,or
  - b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
    - i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
    - ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
    - iii. contains no priority claim,or
  - c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application

- i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
    - ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
    - iii. contains no priority claim;
2. Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the KR application(s);
  - b. An English translation of the allowable/patentable claim(s), and
  - c. A statement that the English translation is accurate (if the claims were published in a language other than English);
3. Applicant must:
  - a. Ensure that all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KR application(s), and
  - b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
  - a. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
  - b. An English language translation of the KIPO office action; and
  - c. A statement that the English translation is accurate (if the office actions are not in the English language);
6. Applicant must submit:
  - a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and
  - b. Copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application);

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

Any response must be submitted via EFS-Web.

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

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



Lee W. Young  
TQAS  
Technology Center 2800



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ABELMAN, FRAYNE &  
SCHWAB  
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10<sup>TH</sup> FLOOR  
NEW YORK NY 10017

**MAILED**  
**DEC 30 2011**  
**OFFICE OF PETITIONS**

In re Application of

Al-Shahrani, et al.

Application No. 12/224,821

Filed: December 17, 2008

Attorney Docket No. **209,911**

:  
:  
: DECISION ON PETITION

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

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the non-final Office action mailed June 13, 2011, which set a shortened statutory period for reply of three (3) months from its mailing date. No extension of time pursuant to 37 CFR 1.136(a) was obtained within the allowable period. Accordingly, the application became abandoned on September 14, 2011.

The amendment, filed December 14, 2011, is noted and made of record.

The application is being forwarded to Technology Center 1700, GAU 1732 for further processing.

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

/Kenya A. McLaughlin/

Kenya A. McLaughlin  
Petitions Attorney  
Office of Petitions



**PATENT APPLICATION**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Takahito MORI

Group Art Unit: 3634

Application No.: 12/224,842

Examiner: G. STRIMBU

Filed: October 3, 2008

Docket No.: 138395

For: VEHICLE WINDOWPANE HOLDER AND METHOD OF PRODUCING VEHICLE WINDOW ASSEMBLY USING THE SAME

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

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

Sir:

In response to the July 26, 2010 Decision on Request to Participate in Patent Prosecution Highway Program and Petition to Make Special Under 37 CFR §1.102(d) ("Decision") (copy attached), Applicant respectfully requests reconsideration of the Request to Participate in Patent Prosecution Highway Program ("Request") in view of the following.

The Decision dismisses Applicant's Request for failure to include the following:

- (1) a copy of the allowable/patentable claims from the JPO application, along with an English translation thereof and a statement that the English translation is accurate;
- (2) a statement that all the claims in the U.S. application sufficiently correspond to the allowable/patentable claims in the JPO application; and
- (3) a copy of the latest Office Action from the JPO application containing the allowable/patentable claims along with an English translation and a statement that the English translation is accurate.

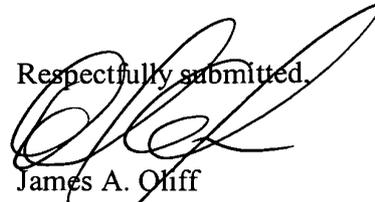
In response to (1), Applicant submits the attached copy of claims 1-5 of PCT/JP2007/054696. Applicant also includes an English-language translation of claims 1-5. The English-language translation of claims 1-5 is accurate.

In response to (2), claims 1-8 of the U.S. application correspond to claims 1-5 of PCT/JP2007/054696. Claims 1-4 are identical. Claim 5 of the Japanese application depends from claims 1-4. Claims 5-8 of the U.S. application are identical to claim 5, but each individually depend from claims 1-4 to avoid multiple dependency.

In response to (3), Applicant submits the latest Office Action from the Japanese Patent Office for PCT/JP/2007/054696. The Written Opinion dated May 15, 2007 indicates that claims 1-5 are allowable. Applicant also includes an accurate English-language translation of the Written Opinion. The English-language translation of the Written Opinion is accurate.

In view of the foregoing, Applicant believes that each of the above requirements of the Decision have been met and submits that this application is eligible for the Patent Prosecution Highway Program.

Respectfully submitted,



James A. Oliff  
Registration No. 27,075

Daniel A. Tanner, III  
Registration No. 54,734

JAO:MJS/mab

Attachments:

Japanese Office Action  
English-language translation of Japanese Office Action  
Japanese claims  
English-language translation of Japanese claims  
Copy of Decision

Date: August 13, 2010

**OLIFF & BERRIDGE, PLC**  
**P.O. Box 320850**  
**Alexandria, Virginia 22320-4850**  
**Telephone: (703) 836-6400**

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry of this filing; Charge any fee due to our Deposit Account No. 15-0461</p>
---

特許協力条約

発行人 日本国特許庁 (国際調査機関)



代理人  
杉村 憲司

あて名  
〒100-0013  
日本国東京都千代田区霞が関3丁目2番4号 霞山ビルディング 7F

PCT  
国際調査機関の見解書  
(法施行規則第40条の2)  
(PCT規則43の2.1)

発送日  
(日.月.年) 15. 05. 2007

出願人又は代理人 の書類記号 PCT-002	今後の手続きについては、下記2を参照すること。	
国際出願番号 PCT/JP2007/054696	国際出版日 (日.月.年) 09. 03. 2007	優先日 (日.月.年) 09. 03. 2006
国際特許分類 (IPC) Int.Cl. B60J1/17(2006.01);		
出願人 (氏名又は名称) 株式会社アルティア橋本		

1. この見解書は次の内容を含む。

- 第I欄 見解の基礎
- 第II欄 優先権
- 第III欄 新規性、進歩性又は産業上の利用可能性についての見解の不作成
- 第IV欄 発明の単一性の欠如
- 第V欄 PCT規則43の2.1(a)(i)に規定する新規性、進歩性又は産業上の利用可能性についての見解、それを裏付けるための文献及び説明
- 第VI欄 ある種の引用文献
- 第VII欄 国際出願の不備
- 第VIII欄 国際出願に対する意見

2. 今後の手続き  
国際予備審査の請求がされた場合は、出願人がこの国際調査機関とは異なる国際予備審査機関を選択し、かつ、その国際予備審査機関がPCT規則66.1の2(b)の規定に基づいて国際調査機関の見解書を国際予備審査機関の見解書とみなさない旨を国際事務局に通知していた場合を除いて、この見解書は国際予備審査機関の最初の見解書とみなされる。

この見解書が上記のように国際予備審査機関の見解書とみなされる場合、様式PCT/ISA/220を送付した日から3月又は優先日から22月のうちいずれか遅く満了する期限が経過するまでに、出願人は国際予備審査機関に、適当な場合は補正書とともに、答弁書を提出することができる。

さらなる選択版は、様式PCT/ISA/220を参照すること。

3. さらなる詳細は、様式PCT/ISA/220の備考を参照すること。

見解書を作成した日 27. 04. 2007	
名称及びあて先 日本国特許庁 (ISA/JP) 郵便番号100-8915 東京都千代田区霞が関3丁目4番3号	特許庁審査官 (権限のある職員) 3D 3507 石川 健一 Kenichi ISHIKAWA 電話番号 03-3581-1101 内線 9341

国際調査機関の見解書

国際出願番号 PCT/JP2007/054696

第1欄 見解の基礎

1. 言語に関し、この見解書は以下のものに基づき作成した。

出願時の言語による国際出願

出願時の言語から国際調査のための言語である \_\_\_\_\_ 語に翻訳された、この国際出願の翻訳文 (PCT規則12.3(a)及び23.1(b))

2. この国際出願で開示されかつ請求の範囲に係る発明に不可欠なヌクレオチド又はアミノ酸配列に関して、以下に基づき見解書を作成した。

a. タイプ  配列表

配列表に関連するテーブル

b. フォーマット  紙形式

電子形式

c. 提出時期  出願時の国際出願に含まれていたもの

この国際出願と共に電子形式により提出されたもの

出願後に、調査のために、この国際調査機関に提出されたもの

3.  さらに、配列表又は配列表に関連するテーブルを提出した場合に、出願後に提出した配列若しくは追加して提出した配列が出願時に提出した配列と同一である旨、又は、出願時の開示を超える事項を含まない旨の陳述書の提出があった。

4. 補足意見：

国際調査機関の見解書

国際出願番号 PCT/JP2007/054896

第V欄 新規性、進歩性又は産業上の利用可能性についてのPCT規則43の2.1(a)(i)に定める見解、それを裏付ける文献及び説明

1. 見解

新規性 (N)	請求の範囲	1-5	有 無
	請求の範囲		
進歩性 (IS)	請求の範囲	1-5	有 無
	請求の範囲		
産業上の利用可能性 (IA)	請求の範囲	1-5	有 無
	請求の範囲		

2. 文献及び説明

- 文献1: JP 8-177307 A (旭硝子株式会社) 1996.07.09, 段落【0028】, 図1-4  
 文献2: 日本国実用新案登録出願58-36026号(日本国実用新案登録出願公開59-140677号)の願書に添付した明細書及び図面の内容を撮影したマイクロフィルム (富士重工業株式会社) 1984.09.20, 第4図  
 文献3: 日本国実用新案登録出願1-99559号(日本国実用新案登録出願公開3-38338号)の願書に添付した明細書及び図面の内容を撮影したマイクロフィルム (三菱自動車工業株式会社) 1991.04.12, 第2、3図

【請求の範囲1-5について】

「脚部から末広がり状に延びる対向面部及び底面部により窓ガラス挿入溝を形成するガラス保持部と、対向面部の両側端部に、窓ガラス挿入溝の端部を閉じるように形成され、かつ、窓ガラスの挿入により外側に倒れて分離されるせき部を具える」点は、国際調査報告で引用された文献1、2のいずれにも、記載も示唆もされていないし、当業者にとって自明なことでもない。

PATENT COOPERATION TREATY

TRANSLATION

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Applicant's or agent's file reference <b>PCT-002</b>		Date of mailing (day/month/year)
		<b>FOR FURTHER ACTION</b> See paragraph 2 below
International application No. <b>PCT/JP2007/054696</b>	International filing date (day/month/year) <b>09.03.2007</b>	Priority date (day/month/year) <b>09.03.2006</b>
International Patent Classification (IPC) or both national classification and IPC		
Applicant <b>ALTIA HASHIMOTO CO., LTD.</b>		

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

<input checked="" type="checkbox"/>	Box No. I	Basis of the opinion
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

2. **FURTHER ACTION**

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

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

For further options, see Form PCT/ISA/220.

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

Name and mailing address of the ISA/JP	Date of completion of this opinion	Authorized officer
Facsimile No.		Telephone No.

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.  
PCT/JP2007/054696

Box No. I	Basis of this opinion
1.	<p>With regard to the language, this opinion has been established on the basis of:</p> <p><input checked="" type="checkbox"/> the international application in the language in which it was filed</p> <p><input type="checkbox"/> the translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rule 12.3(a) and 23.1(b)).</p>
2.	<p>With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:</p> <p>a. type of material</p> <p><input type="checkbox"/> a sequence listing</p> <p><input type="checkbox"/> table(s) related to the sequence listing</p> <p>b. format of material</p> <p><input type="checkbox"/> on paper</p> <p><input type="checkbox"/> in electronic form</p> <p>c. time of filing/furnishing</p> <p><input type="checkbox"/> contained in the international application as filed</p> <p><input type="checkbox"/> filed together with the international application in electronic form</p> <p><input type="checkbox"/> furnished subsequently to this Authority for the purposes of search</p>
3.	<p><input type="checkbox"/> In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.</p>
4.	<p>Additional comments:</p>

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No. PCT/JP2007/054696
--

<b>Box No. V</b>	<b>Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</b>						
1. Statement							
Novelty (N)	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;">Claims</td> <td style="width: 70%; border-bottom: 1px solid black;">1-5</td> <td style="width: 15%; text-align: right;">YES</td> </tr> <tr> <td>Claims</td> <td style="border-bottom: 1px solid black;"></td> <td style="text-align: right;">NO</td> </tr> </table>	Claims	1-5	YES	Claims		NO
Claims	1-5	YES					
Claims		NO					
Inventive step (IS)	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;">Claims</td> <td style="width: 70%; border-bottom: 1px solid black;">1-5</td> <td style="width: 15%; text-align: right;">YES</td> </tr> <tr> <td>Claims</td> <td style="border-bottom: 1px solid black;"></td> <td style="text-align: right;">NO</td> </tr> </table>	Claims	1-5	YES	Claims		NO
Claims	1-5	YES					
Claims		NO					
Industrial applicability (IA)	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;">Claims</td> <td style="width: 70%; border-bottom: 1px solid black;">1-5</td> <td style="width: 15%; text-align: right;">YES</td> </tr> <tr> <td>Claims</td> <td style="border-bottom: 1px solid black;"></td> <td style="text-align: right;">NO</td> </tr> </table>	Claims	1-5	YES	Claims		NO
Claims	1-5	YES					
Claims		NO					
2. Citations and explanations:							
<p>Document 1: JP 8-177307 A (Asahi Glass Co., Ltd.), 09 July 1996, paragraph [0028], fig. 1 to 4</p> <p>Document 2: Microfilm of the description and drawings annexed to the written application of Japanese Utility Model Application No. 36026/1983 (Laid-Open Utility Model No. 140677/1984), (Fuji Heavy Industries Ltd.), 20 September 1984, fig. 4</p> <p>Document 3: Microfilm of the description and drawings annexed to the written application of Japanese Utility Model Application No. 99559/1989 (Laid-Open Utility Model No. 38338/1991), (Mitsubishi Motors Corp.), 12 April 1991, fig. 2 and 3</p> <p>[Claims 1 to 5]</p> <p>None of documents 1 and 2 cited in the ISR describes or suggests the feature of "comprising a glass holding part in which a window glass insertion groove is formed by divergently extending opposed surface parts and a bottom face part is extended from a leg part, and stop parts formed so as to close the ends of the window glass insertion groove at both ends of the opposed parts, and</p>							

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2007/054696

Box No. V

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

tilted outward and separated from each other by the  
insertion of a window glass". This is not obvious to a  
person skilled in the art.

## 請求の範囲

- [1] 車両用窓ガラスを昇降機構に連結するための車両用窓ガラスホルダであって：  
昇降機構に連結される脚部と；  
この脚部から未広がり状に延びる対向面部及び底面部により窓ガラス挿入溝を形成するガラス保持部と；  
上記対向面部の両側端部に、上記窓ガラス挿入溝の端部を閉じるように形成され、かつ、窓ガラスの挿入により外側に倒れて分離されるせき部と；  
を具備することを特徴とする車両用窓ガラスホルダ。
- [2] 請求項1記載の車両用窓ガラスホルダであって、  
せき部と底面部との接続部に薄肉部が形成されていることを特徴とする車両用窓ガラスホルダ。
- [3] 請求項1記載の車両用窓ガラスホルダであって、  
対向面部の外表面に厚肉部が形成されていることを特徴とする車両用窓ガラスホルダ。
- [4] 請求項1記載の車両用窓ガラスホルダであって、  
対向面部の窓ガラス挿入溝側に接着剤保持部が形成されていることを特徴とする車両用窓ガラスホルダ。
- [5] 請求項1～4の何れか一項に記載の車両用窓ガラスホルダにおける窓ガラス挿入溝に接着剤を注入し、窓ガラス挿入溝の開口部側から窓ガラスを挿入して、せき部を外側に倒しながら分離し、接着剤により車両用窓ガラスホルダと窓ガラスとを互いに固着させることを特徴とする車両用窓組立体の製造方法。

## Scope of the Claims

[1] A window glass holder for a vehicle, which connects a window glass for a vehicle to a lifting mechanism, comprising:

a leg portion that is connected to the lifting mechanism;

a glass holding portion that forms a window glass insertion groove by (i) an opposite surface portion extended in a skirt shape from the leg portion and (ii) a bottom surface portion;

and

a stop portion that is formed at both side end portions of the opposite surface portion so as to close an end portion of the window glass insertion groove and is inclined to the outside and is separated by the insertion of the window glass.

[2] The window glass holder for a vehicle as set forth in claim 1,

wherein a thin portion is formed at a connecting portion of the stop portion and the bottom surface portion.

[3] The window glass holder for a vehicle as set forth in claim 1,

wherein a thick portion is formed at an external surface of the opposite surface portion.

[4] The window glass holder for a vehicle as set forth in claim 1,

wherein an adhesive holding portion is formed on the window glass insertion groove side of the opposite surface portion.

[5] A method of manufacturing a window assembly body for a vehicle,

wherein adhesive is inserted in a window glass insertion groove at a window glass holder for a vehicle as set forth in any of claims 1-4, a window glass is inserted from an opening portion side of the window glass insertion groove, the stop portion is inclined to the outside and is separated, and the window glass holder for a vehicle and the window glass are fixed to each other by the adhesive.



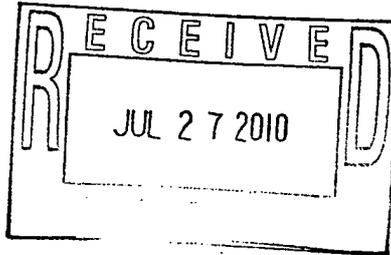
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MJS

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/224,842	10/03/2008	Takahito Mori	138395	3221

25944 7590 07/27/2010  
OLIFF & BERRIDGE, PLC  
P.O. BOX 320850  
ALEXANDRIA, VA 22320-4850



EXAMINER

STRIMBU, GREGORY J

ART UNIT	PAPER NUMBER
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3634

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

07/27/2010

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):

OfficeAction25944@oliff.com  
jarmstrong@oliff.com



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JUL 26 2010

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

In re application of  
Takahito Mori  
Application No. 12/224,842  
Filed: October 3, 2010  
For: VEHICLE WINDOWPANE HOLDER  
AND METHOD OF PRODUCING  
VEHICLE WINDOW ASSEMBLY USING  
THE SAME

: **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 May 21, 2009, 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
- (7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition fail to include:

(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; no copies of the above are found in the file.

(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); see (2) above.

(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;

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: 07/23/10



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SEP 30 2010

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

In re application of  
Takahito Mori  
Application No. 12/224,842  
Filed: October 3, 2008  
For: VEHICLE WINDOWPANE HOLDER  
AND METHOD OF PRODUCING  
VEHICLE WINDOW ASSEMBLY USING  
THE SAME

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

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed August 13, 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 disclose an eligible relationship to one or more PCT applications filed in the JPO, EPO or USPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (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 13, 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: 09/29/10



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/224,856	09/08/2008	Makoto Shiomi	12480-000331/US	3400
15924	7590	11/29/2011	EXAMINER	
Harness, Dickey & Pierce P.L.C.			THOMPSON, CHRISTOPHER D	
P.O. Box 8910			ART UNIT	PAPER NUMBER
Reston, VA 20195			2629	
			MAIL DATE	DELIVERY MODE
			11/29/2011	PAPER

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

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



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

Applicant: Shiomi et al.  
Appl. No.: 12/224,856  
Filing Date: September 8, 2008  
Title: DISPLAY PANEL DRIVING APPARATUS, DISPLAY PANEL DRIVING METHOD,  
DISPLAY APPARATUS, AND TELEVISION RECEIVER  
Attorney Docket No.: 12480-000331/US  
Pub. No.: US 2009/0201238 A1  
Pub. Date: August 13, 2009

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on November 4, 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](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: 12/02/2011 KKING1  
11/07/2011 INTEFSW 00011455 080750 12224856  
01 FC:1504 300.00 CR



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**MAILED**

**JAN 18 2011**

**PCT LEGAL ADMINISTRATION**

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

In re Application of	:	
KOYAMA, et al.	:	
Application No.: 12/224,899	:	DECISION ON PETITION
PCT No.: PCT/JP2007/055678	:	
Int. Filing Date: 20 March 2007	:	UNDER 37 CFR 1.181
Priority Date: 23 March 2006	:	
Atty Docket No.: 138431	:	
For: SUBSTRATE PROCESSING SYSTEM	:	

This is a decision on applicant's "Request to Transfer Documents and Contingent Petition for Entry and Expungement" filed 08 June 2009 in the United States Patent and Trademark Office (USPTO). The request is being treated as a petition under 37 CFR 1.181. No petition fee is due.

On 09 September 2008, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by among other items, payment of the requisite basic national fee as required by 35 U.S.C. 371(c)(1).

On 03 October 2008, applicant filed an executed declaration of the inventor. Applicant identified the application number as 12/224,889.

On 08 June 2009, applicant filed the present petition and a copy of the papers filed 03 October 2008.

A review of application 12/224,889 finds the subject papers contained therein. Therefore, applicant's petition under 37 CFR 1.181 is **GRANTED**. These papers will be moved to the above-captioned application.

This application is being returned to Group Art Unit 1713 for continued examination.

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



**MAILED**

**MAR 25 2011**

**PCT LEGAL ADMINISTRATION**

William D Bunch  
W R Grace & Co. Conn Patent Department legal  
7500 Grace Drive  
Columbia MD 21044

In re Application of	:	
ANDERSON et al.	:	
U.S. Application No.: 12/224,929	:	DECISION ON PETITION
PCT No.: PCT/US2007/004989	:	UNDER 37 CFR 1.182
International Filing Date: 27 February 2007	:	
Priority Date: 09 March 2006	:	
Attorney's Docket No.: W9761-01	:	
For: EVAPORATIVE LIGHT SCATTERING	:	
DETECTOR	:	

This decision is issued in response to applicants' submission dated 26 May 2010. Since the 26 May 2010 submission has not been properly signed by a registered agent (or all the inventors), it is being treated as a supplement to applicants' Petition under 37 CFR 1.182 filed 17 March 2009. Applicants are notifying the Office that the name of the second inventor is Washington MENDOZA as indicated on the declaration rather than Mendoza Washington as indicated on the published international application.

In the published international application, the inventor was identified as Mendoza Washington. On the declaration filed 07 November 2008, this inventor was identified as Washington Mendoza. Section 1893.01(e) of the Manual Of Patent Examining Procedure ("MPEP") states the following:

Where ... the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c). However, where the discrepancy between the name of the inventor indicated in the international application during the international phase and the name of the inventor as it appears in the oath or declaration submitted under 37 CFR 1.497 is the result of a typographical or transliteration error, then a petition under 37 CFR 1.182 will not be required. In such case, the Office should simply be notified of the error.

In this case, discrepancy in the second inventor's name is more than a mere typographical error or a phonetic misspelling of the applicant's name; accordingly, the present petition under 37 CFR 1.182 is required in order to correct the inventor's name as requested.

Here, applicants' previous submission included \$400, satisfying the petition fee requirement. Additionally, applicants have submitted the required statement from the inventor confirming the name correction and that the error occurred without deceptive intent.

Based on applicants' statements herein, it is accepted that the correct full name for the third inventor herein is Washington MENDOZA, as set forth on the declaration filed 02 December 2008.

#### CONCLUSION

Applicants' petition under 37 CFR 1.182 to correct the name of record for the second inventor herein is GRANTED.

This application is being forwarded to the United States Designated/Elected Office for further processing and for review of the national stage papers submitted 07 November 2008.



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

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

DATE : 2/6/2012  
TO SPE OF : ART UNIT 3774  
SUBJECT : Request for Certificate of Correction for Appl. No.: 12/224966 Patent No.: 8092526B2  
CofC mailroom date: 1/24/2012

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

**FOR IFW FILES:**

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

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

**FOR PAPER FILES:**

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

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

Note: \_\_\_\_\_  
\_\_\_\_\_

*Virginia Tolbert*

**Certificates of Correction Branch  
(571) 272-0460**

**Thank You For Your Assistance**

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

Note your decision on the appropriate box.

- |  |  |
|--|--|
| <input type="checkbox"/> <b>Approved</b>         | All changes apply.                               |
| <input type="checkbox"/> <b>Approved in Part</b> | Specify below which changes <b>do not</b> apply. |
| <input type="checkbox"/> <b>Denied</b>           | State the reasons for denial below.              |

**Comments:** Request for Certificate of Correction approved.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

/Javier G. Blanco/

3774

**SPE**

**Art Unit**



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P.O. Box 1450  
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BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH VA 22040-0747

**MAILED**  
**MAY 04 2011**  
**OFFICE OF PETITIONS**

In re Patent No.7,772,744 :  
Issue Date: August 10, 2010 :  
Application No. 12/224,986 :  
Filed: September 11, 2008 :  
Attorney Docket No. **4243-0144PUS1** :

ON PETITION

This is a decision on the petition filed March 28, 2011, which is being treated as a request under 37 CFR 3.81(b)<sup>1</sup> to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Petitioner states that the correct assignee's name is "Fujinon Corporation, Saitama-Shi (JP); Muroran Institute of Technology, Muroran-Shi, Hokkaido (JP)" and that the incorrect assignee's name was included on the Fee(s) Transmittal form PTOL-85(b) at the time of payment of the issue fee. Accordingly, petitioner requests that a certificate of correction be issued to reflect the correct assignee on the front page of the Letters Patent in the patent to be issued from the application.

Telephone inquiries concerning this decision may be directed to the JoAnne Burke at (571) 272-4584. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

JoAnne Burke  
Petitions Examiner  
Office of Petitions

<sup>1</sup> See MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

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

Attorney Docket No.:

5671-0106PUS1

Application No:	12/224,987	Filing date:	September 11, 2008
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First Named Inventor:	Takenori ISOMURA
-----------------------	------------------

Title of the Invention: SEPARATION MEMBRANE FOR DIRECT LIQUID FUEL CELL

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

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

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

The corresponding PCT application number(s) is/are: PCT/JP2007/54977

The international date of the corresponding PCT application(s) is/are: March 13, 2007

**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.





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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/224,987	09/11/2008	Takenori Isomura	5671-0106PUS1	4870
2292	7590	01/25/2011	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			WILLS, MONIQUE M	
			ART UNIT	PAPER NUMBER
			1728	
			NOTIFICATION DATE	DELIVERY MODE
			01/25/2011	ELECTRONIC

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

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

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

mailroom@bskb.com



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BC

January 24, 2011

In re application of : DECISION ON REQUEST TO  
Takenori Isomura et al.. : PARTICIPATE IN PATENT  
Serial No. 12/224,987 : PROSECUTION HIGHWAY  
Filed: September 11, 2008 : PROGRAM AND  
For: SEPARATION MEMBRANE FOR : PETITION TO MAKE SPECIAL  
DIRECT LIQUID FUEL CELL : UNDER 37 CFR 1.102(a)

This is a decision on the request for reconsideration to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed December 21, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof if the latest international work

Application No. 12/224,987

product is not in the English language; and

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

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

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

Any inquiry regarding this decision should be directed to Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

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

/Blaine Copenheaver/

---

Blaine Copenheaver  
Quality Assurance Specialist  
Technology Center 1700



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**MAILED**

**FEB 22 2012**

**OFFICE OF PETITIONS**

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

**In re Application of  
SASAKAWA, et al  
Application No.: 12/224,993  
Filed: September 11, 2008  
Attorney Docket No.: 138441  
For: BUILDING SHAPE CHANGE  
DETECTING METHOD, AND BUILDING  
SHAPE CHANGE DETECTING SYSTEM**

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed January 30, 2012, 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 the undersigned at (571) 272-6735.

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 is being forwarded to Technology Center Art Unit 2624 for action on the merits commensurate with this decision.

/Diane Goodwyn/  
Diane Goodwyn  
Petitions Examiner  
Office of Petitions



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Manelli Selter PLLC  
2000 M STREET NW SUITE 700  
WASHINGTON DC 20036-3307

**MAILED**

**MAR 26 2012**

**OFFICE OF PETITIONS**

In re Patent No. 7,820,584 :  
Issue Date: October 26, 2010 :  
Application No. 12/225,011 :  
Filed: September 11, 2008 :  
Attorney Docket No. **46538** :

**ON PETITION**

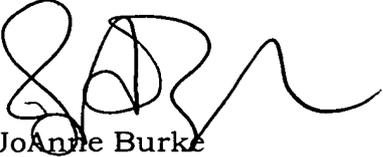
This is a decision on the petition filed March 2, 2012, which is being treated as a request under 37 CFR 3.81(b)<sup>1</sup> to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Petitioner states that the correct assignee's name is "Ishihara Sangyo Kaisha, Ltd., Osaka (JP)" and that the incorrect assignee's name was included on the Fee(s) Transmittal form PTOL-85(b) at the time of payment of the issue fee. Accordingly, petitioner requests that a certificate of correction be issued to reflect the correct assignee on the front page of the Letters Patent in the patent to be issued from the application.

Telephone inquiries concerning this decision may be directed to the JoAnne Burke at (571) 272-4584. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.



JoAnne Burke  
Petitions Examiner  
Office of Petitions

<sup>1</sup> See MPEP 1309, subsection II; and Official Gazette of June 22, 2004.



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

**MAILED**

**NOV 29 2010**

**OFFICE OF PETITIONS**

Applicant: Joost Alexander Kolkman  
Appl. No.: 12/225,045  
International Filing Date: March 13, 2007  
Title: Amino Acid Sequences Directed Against Il-6 And Polypeptides Comprising The Same For The Treatment Of Diseases And Disorders Associated With Il-6 Mediated Signalling  
Attorney Docket No.: A0848.70019US01  
Pub. No.: US 2009/0297535 A1  
Pub. Date: December 3, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b) or (a), received on February 3, 2010, for the above-identified application.

The request is granted.

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

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

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

28 SEP 2010



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WENDEROTH, LIND & PONACK, L.L.P.  
1030 15th Street, N.W.,  
Suite 400 East  
Washington DC 20005-1503

In re Application of :  
KAWAMURA et al. :  
Application No.: 12/225,069 : DECISION  
PCT No.: PCT/JP2007/056522 :  
Int. Filing Date: 20 March 2007 :  
Priority Date: 20 March 2006 :  
Attorney Docket No.: 2008\_1616A :  
For: HIGH-STRENGTH AND HIGH-TOUGHNESS :  
MAGNESIUM ALLOY AND METHOD FOR :  
MANUFACTURING SAME :

This decision is in response to applicant's "REQUEST FOR REFUND" filed in the United States Patent and Trademark Office (USPTO) on 16 August 2010.

**BACKGROUND**

On 20 March 2007, applicant filed international application PCT/JP2007/056522, which designated the U.S. and claimed a priority date of 20 March 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 04 October 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 22 September 2008 (20 September 2008 being a Saturday).

On 12 September 2008, applicant filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 23 September 2008, applicant filed, *inter alia*, a declaration of inventors.

On 27 October 2008, the United States Designate/Elected Office (DO/EO/US) issued a NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495 (Form PCT/DO/EO/903) according the application a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date of 12 May 2008 and a 35 U.S.C. 371 date of 23 September 2008.

On 16 August 2010, applicant filed the instant "REQUEST FOR REFUND".

**DISCUSSION**

The request for refund requests a refund of the surcharge for the filing of an oath or declaration later than thirty months from the earliest priority date charged to Deposit Account 23-0975 on 23 October 2008. The request was filed within two years from the date the fee was paid. 37 CFR 1.26(b). A review of the application file indicates that this charge was made in error. Accordingly, the \$130 charged on this date has been credited to Deposit Account 23-0975.

**CONCLUSION**

The request for refund under 37 CFR 1.26 is **GRANTED** for the reasons set forth above.

/Daniel Stemmer/

Daniel Stemmer  
Legal Examiner  
PCT Legal Affairs  
Office of Patent Cooperation Treaty  
Legal Administration  
Telephone: (571) 272-3301



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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.
12/225,096	09/12/2008	Jun-Gi Jang	29137.372.00	5803
30827	7590	05/03/2011	EXAMINER	
MCKENNA LONG & ALDRIDGE LLP			CHIU, TSZ K	
1900 K STREET, NW			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20006			2822	
			MAIL DATE	DELIVERY MODE
			05/03/2011	PAPER

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

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



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**MCKENNA LONG & ALDRIDGE LLP  
1900 K STREET, NW  
WASHINGTON DC 20006**

<b>In re Application of JANG et al. Application No.: 12/225,096 Filed: 12 September 2008 Attorney Docket No.: 29137.372.00 For: ORGANIC LIGHT EMITTING DIODE HAVING HIGH EFFICIENCY...</b>	<b>: DECISION ON REQUEST TO : PARTICIPATE IN THE PATENT : PROSECUTION HIGHWAY : PROGRAM AND PETITION : TO MAKE SPECIAL UNDER : 37 CFR 1.102(a)</b>
--	--

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 13 April 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

**Discussion**

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

1. The U.S. application is
  - a. a Paris Convention application which either
    - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or
    - ii. validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims,or
  - b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
    - i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
    - ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
    - iii. contains no priority claim,or
  - c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application

- i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
  - ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
  - iii. contains no priority claim;
2. Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the KR application(s);
  - b. An English translation of the allowable/patentable claim(s), and
  - c. A statement that the English translation is accurate (if the claims were published in a language other than English);
3. Applicant must:
  - a. Ensure that all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KR application(s), and
  - b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
  - a. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
  - b. An English language translation of the KIPO office action; and
  - c. A statement that the English translation is accurate (if the office actions are not in the English language);
6. Applicant must submit:
  - a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and
  - b. Copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application);

This request to participate in the PPH program and petition is assessed as follows:

Requirements (1-3) and (5-6) above is considered to have been met. However the request to participate in the PPH program fails to meet requirement (4).

Regarding requirement (4), examination of the instant application has begun. This requirement cannot be overcome.

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

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



Lee W. Young  
TQAS - TC 2800



**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

**DATE : 03/27/12**

**TO SPE OF : ART UNIT: 1762 Attn: WU DAVID W (SPE)**

**SUBJECT : Request for Certificate of Correction for Appl. No.: 12/225174 Patent No.: 7884161**

**CofC mailroom date: 03/21/2012**

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 31-36  
Should these claims be amended as requested or not**

**Tasneem Siddiqui  
Certificates of Correction Branch  
703-756-1814 & 703-756-1593**

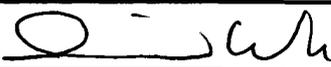
**Thank You For Your Assistance**

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

Note your decision on the appropriate box.

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> <b>Approved</b> | All changes apply.                        |
| <input type="checkbox"/> <b>Approved in Part</b>    | Specify below which changes do not apply. |
| <input type="checkbox"/> <b>Denied</b>              | State the reasons for denial below.       |

**Comments:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

  
\_\_\_\_\_  
**SPE**

1762  
**Art Unit**



Wolf Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, MA 02210-2206

**MAILED**  
APR 11 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	
SHOLLER et al.	:	
U.S. Application No. 12/225,202	:	
PCT No.: PCT/US2007/005927	:	DECISION ON
Int. Filing Date: 07 March 2007	:	REQUEST UNDER 37 CFR 1.42
Priority Date: 16 March 2006	:	&
Attorney Docket No.: B0877.70035US01	:	PETITION UNDER
For: NITROFURAN COMPOUNDS FOR THE	:	37 CFR 1.47(a)
TREATMENT OF CANCER AND	:	
ANGIOGENESIS	:	

This decision is issued in response to applicants' "Renewed Petition under 37 CFR 1.47(a)" filed 01 December 2010 to accept the application without the signature of the legal representative of the deceased joint-inventor, Narasimha Swamy. Additionally, the declaration(s) submitted on 01 December 2010 will be considered pursuant to 37 CFR 1.42. The petition fee has been submitted.

### BACKGROUND

On 07 March 2007, applicants filed international application PCT/US2007/005927 which claimed a priority date of 16 March 2006. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 16 September 2008.

On 16 September 2008, applicants filed a transmittal letter for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an application data sheet; and a preliminary amendment.

On 08 June 2009, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 08 January 2010, applicants filed the petition under 37 CFR 1.42 and 1.47(a). In a decision dated 02 June 2010, applicants' petition under 37 CFR 1.47(a) was dismissed without prejudice.

On 01 December 2010, applicants filed the present petitions.

### DISCUSSION

Section 409.03(c) of the Manual of Patent Examining Procedure (MPEP) states, in part:

“37 CFR 1.47 should not be considered an alternative to 37 CFR 1.42 or 35 U.S.C. 117 since the language “cannot be found or reached after diligent effort” has no reasonable application to a deceased inventor. In re Application Papers Filed September 10, 1954, 108 USPQ 340 (Comm’r Pat. 1955). See 37 CFR 1.42 and MPEP § 409.01. However, 37 CFR 1.47 does apply where a known legal representative of a deceased inventor cannot be found or reached after diligent effort, or refuses to make application. In such cases, the last known address of the legal representative must be given (see MPEP § 409.03(e)).”

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17, (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the non-signing joint inventor. Items (1) and (3) have been previously satisfied.

Regarding item (2) above, petitioner states that the legal representative (Henna Swamy) cannot be reached after diligent effort. A review of the present petition and the accompanying papers reveal that applicants have satisfied item (2), in that, the applicants have shown that a bona fide attempt was made to present the application papers, including the specification, claims, and drawings to Henna Swamy. The steps taken by Michelle Sullivan are sufficient to show that the non-signing legal representative, Henna Swamy, could not be found or reached after diligent effort. Item (2) is therefore satisfied.

Regarding item (4) above, section 409.03(a) of the Manual of Patent Examining Procedure (“MPEP”) states that:

An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the available joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, petitioner has filed a declaration executed by the surviving inventors including an unsigned signature box identifying the deceased inventor. Additionally, petitioner has filed an unsigned declaration which identifies the surviving inventors, the deceased inventor, and the legal representative. Since the declaration which identifies the surviving inventors, the deceased inventor, and the legal representative has not been executed, the declaration cannot be treated as having been executed by the available

inventors on their behalf and on behalf of the nonsigning legal representative. Item (4) is therefore not satisfied.

Accordingly, it is not appropriate to accord the national stage application status under 37 CFR 1.47(a).

**CONCLUSION**

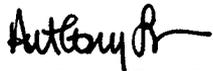
The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

The petition under 37 CFR 1.42 is **REFUSED**.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

Failure to file a proper response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a).

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



Anthony Smith  
Attorney-Advisor  
Office of PCT Legal Administration  
Telephone: (571) 272-3298



Wolf Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, MA 02210-2206

**MAILED**

**AUG 12 2011**

PCT LEGAL ADMINISTRATION

In re Application of :  
SHOLLER et al. :  
U.S. Application No. 12/225,202 :  
PCT No.: PCT/US2007/005927 :  
Int. Filing Date: 07 March 2007 :  
Priority Date: 16 March 2006 :  
Attorney Docket No.: B0877.70035US01 :  
For: NITROFURAN COMPOUNDS FOR THE :  
TREATMENT OF CANCER AND :  
ANGIOGENESIS :

DECISION ON  
REQUEST UNDER 37 CFR 1.42  
&  
PETITION UNDER  
37 CFR 1.47(a)

This decision is issued in response to applicants' "Renewed Petition under 37 CFR 1.47(a)" filed 07 June 2011 to accept the application without the signature of the legal representative of the deceased joint-inventor, Narasimha Swamy. Additionally, the declaration submitted on 07 June 2011 will be considered pursuant to 37 CFR 1.42. The petition fee has been submitted.

### **BACKGROUND**

On 07 March 2007, applicants filed international application PCT/US2007/005927 which claimed a priority date of 16 March 2006. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 16 September 2008.

On 16 September 2008, applicants filed a transmittal letter for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an application data sheet; and a preliminary amendment.

On 08 June 2009, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 08 January 2010, applicants filed the petition under 37 CFR 1.42 and 1.47(a). In a decision dated 02 June 2010, applicants' petition under 37 CFR 1.47(a) was dismissed without prejudice.

On 01 December 2010, applicants filed petitions under 37 CFR 1.42 and 1.47(a). In a decision dated 11 April 2011, applicants' petition under 37 CFR 1.47(a) was dismissed without prejudice.

On 07 June 2011, applicants filed the present petitions.

### DISCUSSION

The Notification of Abandonment (Form PCT/DO/EO/909) dated 11 May 2011 was mailed in error and is hereby VACATED.

Section 409.03(c) of the Manual of Patent Examining Procedure (MPEP) states, in part:

"37 CFR 1.47 should not be considered an alternative to 37 CFR 1.42 or 35 U.S.C. 117 since the language "cannot be found or reached after diligent effort" has no reasonable application to a deceased inventor. In re Application Papers Filed September 10, 1954, 108 USPQ 340 (Comm'r Pat. 1955). See 37 CFR 1.42 and MPEP § 409.01. However, 37 CFR 1.47 does apply where a known legal representative of a deceased inventor cannot be found or reached after diligent effort, or refuses to make application. In such cases, the last known address of the legal representative must be given (see MPEP § 409.03(e))."

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17, (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the nonsigning joint inventor. Items (1), (2) and (3) have been satisfied.

Regarding item (4) above, an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the non-signing joint inventor has been submitted. The declaration is in compliance with 37 CFR 1.42 and 1.497(b)(2).

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

Additionally, 37 CFR 1.497(b)(2) states the following:

(2) If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or § 1.47) the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required

to state. If the person signing is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

A review of the declaration filed reveals that Hena Swamy is the (nonsigning) legal representative of deceased inventor, Narasimha Swamy. The declaration is acceptable under 37 CFR 1.42 and complies with 37 CFR 1.497(a)-(b).

Accordingly, it is appropriate to accord the national stage application status under 37 CFR 1.47(a).

### CONCLUSION

The petition under 37 CFR 1.47(a) is GRANTED.

The request for status under 37 CFR 1.42 is ACCEPTED.

The application will be given an international filing date of 07 March 2007 under 35 U.S.C. 363, and a date of 07 June 2011 under 35 U.S.C. 371(c).

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(c) will be published in the Official Gazette.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.



Anthony Smith  
Attorney-Advisor  
Office of PCT Legal Administration  
Telephone: (571) 272-3298



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Hena Swamy  
305 Greenwich Avenue  
Apt. B226  
Warwick, RI 02886

**MAILED**

**AUG 12 2011**

**PCT LEGAL ADMINISTRATION**

In re Application of  
SHOLLER et al.

U.S. Application No. 12/225,202

PCT No.: PCT/US2007/005927

Int. Filing Date: 07 March 2007

Priority Date: 16 March 2006

Attorney Docket No.: B0877.70035US01

For: NITROFURAN COMPOUNDS FOR THE TREATMENT OF CANCER AND  
ANGIOGENESIS

Dear Hena Swamy

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as a legal representative of the deceased inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Anthony Smith  
Attorney-Advisor  
Office of PCT Legal Administration  
Telephone: (571) 272-3298  
Facsimile: (571) 273-0459

Counsel of Record:  
Wolf Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, MA 02210-2206



UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

Applicant: Marc Van De Craen, et al.  
Appl. No.: 12/225,207  
International Filing Date: March 16, 2007  
Title: NEMATODE CONTROL  
Attorney Docket No.: D0632.70003US01  
Pub. No.: US 2010/0068172 A1  
Pub. Date: March 18, 2010

MAILED  
JAN 28 2011  
OFFICE OF PETITIONS

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on May 14, 2010, for the above-identified application.

Applicant requests that the application be republished because the patent application publication contains material errors in claims 13, 15, 83 and 89 wherein "cassava" was misprinted as "cassaya" in several instances and a semicolon was deleted.

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." (Emphasis added). 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.<sup>1</sup>

The errors in claims 13, 15, 83 and 89 wherein "cassava" was misprinted a "cassaya" may be Office errors, but they are not material Office errors under 37 CFR 1.221. The typographical error in the claims is not a material Office error because the error would be clear to one of ordinary skill in the art and the claim term was correctly published in the PCT application as WO 2007/104570. The misprint 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 error also does not affect the use of the patent application publication as a prior art reference.

<sup>1</sup>Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

The 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:

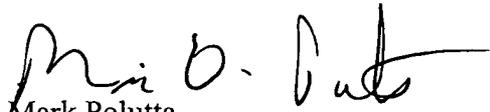
<http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp>

OR

[http://www.uspto.gov/ebc/portal/efs/pgpub\\_quickstart.pdf](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

Electronic Petition Request	<b>PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)</b>
Application Number	12225243
Filing Date	17-Sep-2008
First Named Inventor	Minoru Saito
Art Unit	2835
Examiner Name	WILLIAM MAYO III
Attorney Docket Number	KC-1013
Title	MULTILAYER INSULATED ELECTRIC WIRE

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	/kubotera/
Name	Kazunao Kubotera
Registration Number	51194



## UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : April 7,2011

In re Application of :

Minoru Saito

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12225243

Filed : 17-Sep-2008

Attorney Docket No : KC-1013

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed April 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

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

November 21, 2011

Hogan Lovells US LLP  
1999 AVENUE OF THE STARS  
SUITE 1400  
LOS ANGELES CA 90067

In re Application of :  
Toshiaki Dobashi et al. : **DECISION ON PETITION**  
Application No. 12225264 :  
Filed: 09/17/08 : **ACCEPTANCE OF COLOR**  
Attorney Docket No. 89401.0001 : **DRAWINGS**

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) September 17, 2008.

The petition is **GRANTED**.

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

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

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

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

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



## UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date January 27, 2012

In re Application of Martijn Gebbink

Application No. 12225291

Filed: 07-Jan-2009

DECISION ON PETITION

UNDER CFR 1.137(b)

Attorney Docket No. 3368-9158US

This is an electronic decision on the petition under 37 CFR 1.137(b), January 27, 2012, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the outstanding Office communication. The date of abandonment is the day after the last day of the period set for reply in the Office action plus any applicable extensions of time properly requested.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a response; (2) the petition fee as set forth in 37 CFR 1.17 (m); and (3) the required statement of unintentional delay have been received. Accordingly, the response is accepted as having been unintentionally delayed.

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

This application file is being directed to the Technology Center.

Office of Petitions

Electronic Petition Request	<b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)</b>
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Application Number	12225291
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Filing Date	07-Jan-2009
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First Named Inventor	Martijn Gebbink
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Attorney Docket Number	3368-9158US
------------------------	-------------

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

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

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

Petition Fee

Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

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

Applicant(s) status remains as SMALL ENTITY.

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

2. Reply and/or fee

I certify, in accordance with 37 CFR 1.4(d)(4) that the amendment and response have already been filed in the above-identified application on

Amendment and response are attached

RCE request, submission, and fee.

I certify, in accordance with 37 CFR 1.4(d)(4) that the RCE Request, Submission, and Fee have already been filed in the above-identified application on

RCE Request, Submission, and Fee are attached

Notice of Appeal

I certify, in accordance with 37 CFR 1.4(d)(4) that the Notice of Appeal and Fee have already been filed in the above-identified application on

Notice of Appeal and Fee are attached

3. Terminal Disclaimer is not required, since the Electronic Petition format is not support for Design applications and applications filed before June 8, 1995. Please file using regular petition format for review by the Office of Petitions.

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

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

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

An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.

An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.

A sole inventor

A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors

A joint inventor; all of whom are signing this e-petition

The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Allen C. Turner/
Name	Allen C. Turner
Registration Number	33041

## 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.	12/225,299	Filing date:	September 18, 2008
First Named Inventor:	Wolfgang MELCHIOR		

Title of the invention: **TENSIONING APPARATUS OF A CIRCULATING ELEMENT**

**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/EFSWEB\\_HELP.HTML](http://www.uspto.gov/efsweb_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/EP2007/052668**

The international date of the corresponding PCT application(s) is/are: **March 21, 2007**

### I. List of Required Documents:

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

is attached

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

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

is attached

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

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

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

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

(continued)

Application No.:	12/225,299
First Named Inventor:	Wolfgang MELCHIOR

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

 Is attached

 Has already been filed in the above-identified U.S. application on September 18, 2008

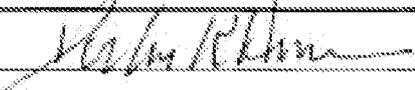
(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

 Are attached.

 Have already been filed in the above-identified U.S. application on September 18, 2008
**II. Claims Correspondence Table:**

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
76, 77	1, 2	direct correspondence
78 - 80	3 - 5	U.S. claim amended to remove multiple dependency
81, 82	6, 7	direct correspondence
83	8	U.S. claim amended to remove multiple dependency
84	9	direct correspondence
85, 86	10, 11	U.S. claim amended to remove multiple dependency
87	12	direct correspondence
88 - 94	13 - 19	U.S. claim amended to remove multiple dependency
95 - 97	20 - 22	direct correspondence
98 - 101	23 - 26	U.S. claim amended to remove multiple dependency
102 - 104	27 - 29	direct correspondence
105, 106	30, 31	U.S. claim amended to remove multiple dependency
107, 108	32, 33	direct correspondence
109 - 111	34 - 36	U.S. claim amended to remove multiple dependency

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

Signature 	Date: <u>October 5, 2010</u>
Name (Print/Typed): <u>Douglas R. Hanscom</u>	Registration Number: <u>26600</u>

# KARIN T. DUNN

## GERMAN TRANSLATION AND LANGUAGE SERVICES

Certified by the American Translators Association

4706 OLDE FORGE CT., FAIRFAX, VA 22032  
TELEPHONE, FAX: 703-436-1422 · DUNN6FAM@MSN.COM

Date: September 26<sup>th</sup>, 2010

### DECLARATION

The undersigned, Karin T. Dunn, hereby states that she is well acquainted with both the English and German languages and that the attached is a true translation to the best of her knowledge and ability of the German text of the amended claims, submitted with the International Preliminary Report on Patentability, for PCT/EP2007/052668, which was filed on 21 March 2007 and was published on 27 September 2007 as WO 2007/107581 A1.

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

  
Karin T. Dunn

Translation of the pertinent portions of a Notification of the Transmittal of the International Preliminary Report Regarding Patentability in accordance with Rule 71.1 PCT, mailed on 04/22/2008

2. This report comprises a total of 8 pages including this cover sheet.
3. Enclosures are also included with the report; these include

A total of 9 pages (*sent to the applicant and to the International Authority*), which include

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

4. This report contains information on the following items:

Box I Basis of the Report

Box IV Lack of unity of the invention

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

**Box I            Basis of the Report**

1. With regard to **language**, the opinion has been established on the basis of:  
  
the international application in the language in which it was filed.
  
2. With regard to the **elements** of the international application the report is based upon

**Description, pages**

2, 4-15	in the originally filed version
3a	received on 06/22/2007 with the letter dated 06/18/2007
1, 3	received on 04/03/2008 with the letter dated 04/01/2008

**Claims, No.**

1-36	received on 04/03/2008 with the letter dated 04/01/2008
------	---

**Drawings, pages**

1-7	in the originally filed version
-----	---------------------------------

**Box IV            Lack of Unity of the Invention**

2. This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is

Not complied with for the following reasons:

See attached sheet

4. Consequently, the report has been established in respect of the following parts of the international application:

All parts



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

**Re Item IV.**

Reference is made to the following documents:

D1: DE 101 14 700 A1

D2: DE 31 13 894 A1

1. The Authority has determined that the international application contains multiple (groups of) inventions, which are not connected to one another by a single, common inventive idea (Rule 13.1 PCT), namely:

Claim: 1

The object of invention 1 relates to a tensioning mechanism for a circulating element, which enables a rapid and precise adjustment of a belt tension, wherein to lock the piston rod in position, a second chamber is pressurized with pressurized fluid for controlling the locking mechanism, and that the piston rod is guided through an opening, wherein on a first side of the opening the second chamber is arranged, and a second side of the opening, which is situated opposite the first side, is formed by an abutment that is securely affixed to the main body. The piston rod 11 is thereby pressed against the abutment 17 and fixed in its position.

Claim: 2

The object of invention 2 relates to a tensioning mechanism for a circulating element, which enables a rapid and precise adjustment of a belt tension, wherein at least one sensor is arranged so as to directly or indirectly detect the position of at least one headpiece.

2. Document D1 (Figure 2) describes a tensioning mechanism for a circulating element, comprising a main body 2, in which a first chamber 11 is formed, a piston 3, which can be displaced in the first chamber 11 by a pressurized fluid, and a piston rod 33, which is driven by the piston, wherein the main body is securely mounted on a support (paragraph 23; the housing 2 is supported on the motor block) and the piston rod supports a head piece that can be moved in contact with the circulating element (paragraph 23; the end surface 16 presses against another auxiliary tensioning element, for example a tensioning rail) and wherein a mechanism for locking the piston rod in position is provided.

The object of claim 1 differs from the tensioning mechanism according to D1 in that the mechanism for locking the piston rod in position can be controlled using pressurized fluid, in that the main body has at least one second chamber, and in that the second chamber is pressurized with pressurized fluid to control the mechanism for locking the piston rod in position, and *in that the piston rod is guided through an opening, wherein the second chamber is arranged on a first side of the opening, and a second side of the*

*opening, which is opposite the first side, is formed by an abutment that is securely affixed to the main body.*

The object of claim 2 differs from the tensioning mechanism according to D1 in that the mechanism for locking the piston rod in position can be controlled using pressurized fluid, in that the main body has at least one second chamber, and in that the second chamber is pressurized with pressurized fluid to control the mechanism for locking the piston rod in position, and *in that at least one sensor is arranged so as to directly or indirectly detect the position of at least one head piece.*

However, Document D2 discloses a pressure cylinder in which the locking of a piston rod 3 in position can be controlled using pressurized fluid 11, wherein the main body 6 at least a second chamber 10 [sic - Translator] is pressurized with pressurized fluid to control the mechanism for locking the piston rod in position.

With respect to these characterizing features, D2 describes the same advantages as the present application. One of ordinary skill in the art would therefore view the incorporation of these characterizing features into the tensioning mechanism described in D1 as a customary constructive measure for attaining the stated object.

The shared object of the independent claims 1 and 2 is obviously not inventive (Article 33(3) PCT). The other characterizing features are not connected with one another in such a way that they realize a single, common inventive idea, as defined by Rule 13.1 PCT.

## **Re Item V.**

### Claim 1

3.1. Document D1 (Figure 2) discloses a tensioning mechanism for a circulating element, comprising a main body 2 in which a first chamber 11 is formed, a piston 3, which can be displaced in the first chamber 11 by a pressurized fluid, and a piston rod 33, which is driven by the piston, wherein the main body is securely attached to a support (paragraph 23; the housing 2 is supported on the motor block) and the piston rod supports a head piece that can be moved in contact with the circulating element (paragraph 23; the end surface 16 presses against another auxiliary tensioning element, for example a tensioning rail) and wherein a mechanism for locking the piston rod in position is provided.

The object of claim 1 therefore differs from the tensioning device according to D1 in that the mechanism for locking the piston rod in position can be controlled using pressurized fluid, in that the main body has at least one second chamber, and in that the second chamber is pressurized with pressurized fluid to control the mechanism for locking the piston rod in position, and *in that the piston rod is guided through an opening, wherein the second chamber is arranged on a first side of the opening, and a second side of the opening, which is opposite the first side, is formed by an abutment that is securely affixed to the main body.*

The characterizing feature that the piston rod is guided through an opening, wherein the second chamber is arranged on a first side of the opening and a second side of the opening, which is opposite the first side, is formed by an abutment that is securely affixed to the main body, is neither known from nor suggested by the prior art.

The present claim 1 is therefore novel and inventive, and therefore fulfills the requirements of Article 33(2) and (3) PCT.

- 3.2. Claims 3-8 and 10-36 are dependent upon claim 1 and therefore also fulfill the requirements of the PCT with respect to novelty and an inventive step.

#### Claim 2

- 4.1. The object of claim 2 differs from the tensioning mechanism according to D1 in that the mechanism for locking the piston rod in position can be controlled using pressurized fluid, in that the main body has at least one second chamber, and in that the second chamber is pressurized with pressurized fluid to control the mechanism for locking the piston rod in position, *and in that at least one sensor is arranged so as to directly or indirectly detect the position of at least one headpiece.*

The characterizing feature that at least one sensor is arranged so as to directly or indirectly detect the position of at least one headpiece is neither known from nor suggested by the prior art.

The present claim 2 is therefore novel and inventive, and therefore fulfills the requirements of Article 33(2) and (3) PCT.

- 4.2. Claims 3-28 and 30-36 are dependent upon claim 2 and therefore also fulfill the requirements of the PCT with respect to novelty and an inventive step.

## Claims

1. Tensioning mechanism (37) for a circulating element (24), comprising a main body (02) in which a first chamber (06) is formed, a piston (08) that can be displaced within the first chamber (06) by means of a pressurized fluid, and a piston rod (09, 11, 14) driven by the piston (08), characterized in that the main body (02) is securely mounted on a support (01), and the piston rod (09, 11, 14) supports a head piece (16) which can be moved in contact with the circulating element (24), in that a mechanism for locking the piston rod (09, 11, 14) in position can be controlled using pressurized fluid, in that the main body (02) has at least one second chamber (28), in that the second chamber (28) is pressurized with pressurized fluid to control the mechanism for locking the piston rod (09, 11, 14) in position, and in that the piston rod (09, 11, 14) is guided through an opening, wherein the second chamber (28) is arranged on a first side of the opening, and a second side of the opening, which is opposite the first side, is formed by an abutment (17), which is securely attached to the main body (02).
2. Tensioning mechanism (37) for a circulating element (24), comprising a main body (02) in which a first chamber (06) is formed, a piston (08) that can be displaced within the first chamber (06) by means of a pressurized fluid, and a piston rod (09, 11, 14) driven by the piston (08), characterized in that the main body (02) is securely mounted on a support (01), and the piston rod (09, 11, 14) supports a head piece (16) which can be moved in contact with the circulating element (24), in that a mechanism for locking the piston rod (09, 11, 14) in position can be controlled using pressurized fluid, in that the main body (02) has at least one second chamber (28), in that the second chamber (28) is pressurized with pressurized fluid to control the mechanism for locking the piston rod (09, 11, 14) in position, and in that at least one sensor (61) is arranged so as to directly or indirectly detect the position of at least one head piece (16).

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3. Tensioning mechanism according to claim 1 or 2, characterized in that the second chamber (28) is pressurized with pressurized fluid to lock the piston rod (09, 11, 14) in position.
4. Tensioning mechanism according to claim 1 or 2, characterized in that the second chamber (28) is pressureless to release the mechanism for locking the piston rod (09, 11, 14) in position.
5. Tensioning mechanism according to claim 1 or 2, characterized in that every second chamber (28) contains a displaceable piston (08) or clamping pad (66).
6. Tensioning mechanism according to claim 5, characterized in that, when the second chamber (28) is pressurized with pressurized fluid, the piston (08) is forced against the piston rod (09, 11, 14).
7. Tensioning mechanism according to claim 5, characterized in that a compression spring (67) is arranged so as to force the clamping pad (66) against the piston rod (09, 11, 14) to lock it in position.
8. Tensioning mechanism according to claim 1 or 2, characterized in that every second chamber (28) is bounded by a membrane, which, when the second chamber (28) is pressurized with pressurized fluid, is forced against the piston rod (09, 11, 14).
9. Tensioning mechanism according to claim 2, characterized in that the piston rod (09, 11, 14) is guided through an opening, wherein the second chamber (28) is arranged on a first side of the opening, and a second side of the opening, which is opposite the first

- side, is formed by an abutment (17), which is securely attached to the main body (02).
10. Tensioning mechanism according to any one of claims 1 through 9, characterized in that the forces exerted on the piston rod (09, 11, 14) by a plurality of second chambers (28) pressurized with pressurized fluid compensate for one another.
  11. Tensioning mechanism according to any one of claims 1 through 10, characterized in that the piston rod (09, 11, 14) is divided into a plurality of branches (12, 13), and in that an area (09) of the main body (02) which contains the second chambers (28) is arranged between the branches (12, 13).
  12. Tensioning mechanism according to claim 11, characterized in that each of the branches (12, 13) is connected at two ends to a frame (11, 14), which encompasses the area (09).
  13. Tensioning mechanism according to claim 11 or 12, characterized in that the first chamber (06) is also situated in the area (04, 09) of the main body (02) that is arranged between the branches (12, 13).
  14. Tensioning mechanism according to any one of the preceding claims, characterized in that the piston (08) of the first chamber (06) is preferably a dual action piston.
  15. Tensioning mechanism according to any one of the preceding claims, characterized in that supply couplings (29, 31, 34) for supplying the first and second chambers (06, 28) with pressurized fluid are positioned aligned in pairs and communicating with one another on opposite sides of the main body (02).
  16. Tensioning mechanism according to any one of the preceding claims, characterized in

that the main body (02) has a bore hole configured to hold the support (01).

17. Tensioning mechanism according to claim 15 and claim 16, characterized in that the direction of alignment of the communicating supply couplings (29, 31, 34) is parallel to the bore hole.
18. Tensioning mechanism according to claim 16 or 17, characterized in that the chambers (06, 28) and the head piece (26) are arranged on opposite sides of the bore hole.
19. Tensioning mechanism according to claim 1 or 2, characterized in that the circulating element (24) is a belt (24).
20. Tensioning mechanism according to claim 19, characterized in that the tensioning mechanism cooperates with a belt (24) in a folding unit (41).
21. Tensioning mechanism according to claim 20, characterized in that the tensioning mechanism cooperates with a belt (24) of a belt system that is situated upstream of a folding blade cylinder (43).
22. Tensioning mechanism according to claim 20, characterized in that the tensioning mechanism cooperates with a belt (24) of a belt system that is situated downstream of a folding jaw cylinder (44).
23. Tensioning mechanism according to claim 1 or 2, characterized in that the piston rod (09, 11, 14) can be and/or is steplessly locked in position.
24. Tensioning mechanism according to claim 1 or 2, characterized in that the second

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chamber (28) can be pressurized with pressure medium independently of the first chamber (06).

25. Tensioning mechanism according to claim 1 or 2, characterized in that in one operating state the first chamber (06) is pressurized with pressure medium and the second chamber (28) is pressureless.
26. Tensioning mechanism according to claim 1 or 2, characterized in that at least one shared guide roller (51; 52) is provided for a plurality of head pieces (16).
27. Tensioning mechanism according to claim 26, characterized in that one shared guide roller (51; 52) is provided for all head pieces (16).
28. Tensioning mechanism according to claim 26, characterized in that two shared guide rollers (51; 52) are provided for a plurality of head pieces (16).
29. Tensioning mechanism according to claim 1, characterized in that at least one sensor (61) is arranged so as to directly or indirectly detect the position of at least one head piece (16).
30. Tensioning mechanism according to claim 1 or 2, characterized in that a plurality of tensioning mechanisms (37) are arranged side by side.
31. Tensioning mechanism according to claim 1 or 2, characterized in that a plurality of tensioning mechanisms (37) are held by two end plates (53; 54).
32. Tensioning mechanism according to claim 31, characterized in that at least one end plate (53; 54) has a coupling (57; 58) for supplying pressure medium.

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33. Tensioning mechanism according to claim 31, characterized in that at least one end plate (53; 54) has a sensor (61) for detecting the position of the head piece (16).
34. Tensioning mechanism according to claim 1 or 2, characterized in that each tensioning mechanism (37) has a reference element (62) that can be moved along with the head piece (16).
35. Tensioning mechanism according to claim 29 or 33, characterized in that a sensor (61) is provided for detecting the position of all tensioning mechanisms (37).
36. Tensioning mechanism according to claim 1 or 2, characterized in that the head piece (16) is configured as a pulley (16).



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/225,299	09/18/2008	Wolfgang MELCHIOR	WI.2816 PCT-US	6936
23294	7590	11/12/2010	EXAMINER	
JONES, TULLAR & COOPER, P.C. P.O. BOX 2266 EADS STATION ARLINGTON, VA 22202			SINGH, KAVEL	
			ART UNIT	PAPER NUMBER
			3651	
			MAIL DATE	DELIVERY MODE
			11/12/2010	PAPER

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

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



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NOV 12 2010

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

In re application of : **DECISION ON REQUEST TO**  
Wolfgang Melchior : **PARTICIPATE IN PATENT**  
Application No. 12/225,299 : **PROSECUTION HIGHWAY**  
Filed: September 18, 2008 : **PROGRAM AND PETITION**  
For: TENSIONING APPARATUS OF A : **TO MAKE SPECIAL UNDER**  
CIRCULATING ELEMENT : **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 October 5, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the EPO or USPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted via EFS-Web as is required, and the preliminary amendment of October 5, 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.

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: 11/12/10

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

**DATE** : 10/07/11

**TO SPE OF** : ART UNIT: **3651 Attn: CRAWFORD GENE O (SPE)**

**SUBJECT** : Request for Certificate of Correction for Appl. No.: 12/225299 Patent No.: 8002108

CofC mailroom date: 09/30/2011

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

**FOR IFW FILES:**

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

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

**FOR PAPER FILES:**

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

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

**Note: Please check Claims 1 and 22**  
**Should these amended claims be amended again or not**

**Tasneem Siddiqui**  
Certificates of Correction Branch  
703-756-1814 & 703-756-1593

**Thank You For Your Assistance**

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

Note your decision on the appropriate box.

**Approved**

All changes apply.

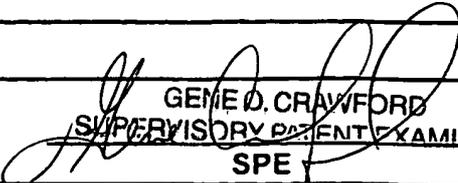
**Approved in Part**

Specify below which changes do not apply.

**Denied**

State the reasons for denial below.

**Comments:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

  
**GENE O. CRAWFORD**  
**SUPERVISORY PATENT EXAMINER**  
**SPE**

3651  
**Art Unit**

## 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.:	12/225,300	Filing date:	October 17, 2006
First Named Inventor:	Peter Franz BECK		

Title of the Invention: **Device and a Method for Feeding a Material Web to a Printing Unit of a Web-Fed Rotary Printing Press**

**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/EFSWEB\\_HELP.HTML](http://www.uspto.gov/efsweb_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/EP2007/052794**

The international date of the corresponding PCT application(s) is/are: **March 23, 2007**

### I. List of Required Documents:

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

Is attached

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

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

Is attached.

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

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

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

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

(continued)

Application No.:	12/225,300
First Named Inventor:	Peter Franz BECK

- 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 September 18, 2008

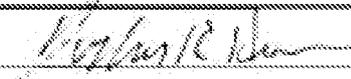
- (2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

Are attached.

Have already been filed in the above-identified U.S. application on September 18, 2008**II. Claims Correspondence Table:**

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
72 - 74	1 - 3	direct correspondence
75 - 81	4 - 10	U.S. claims amended to remove multiple dependencies present in PCT claims
82	11	direct correspondence
83 - 88	12 - 17	U.S. claims amended to remove multiple dependencies present in PCT claims
89 - 91	18 - 20	direct correspondence
92	21	U.S. claims amended to remove multiple dependencies present in PCT claims
93	22	direct correspondence
94 - 98	23 - 27	U.S. claims amended to remove multiple dependencies present in PCT claims
99, 100	28, 29	direct correspondence
101, 102	30, 31	U.S. claims amended to remove multiple dependencies present in PCT claims
102	31	direct correspondence
	32	no corresponding U.S. claim
103 - 106	33 - 36	direct correspondence

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

Signature		Date	September 30, 2010
Name (Print/Type)	Douglas R. Hanscom	Registration Number	26600

**KARIN T. DUNN**

**GERMAN TRANSLATION AND LANGUAGE SERVICES**

Certified by the American Translators Association

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

Date: September 29<sup>th</sup>, 2010

**DECLARATION**

The undersigned, Karin T. Dunn, hereby states that she is well acquainted with both the English and German languages and that the attached is a true translation to the best of her knowledge and ability of the German text of the amended claims, submitted with the International Preliminary Report on Patentability, for PCT/EP2007/052794, which was filed on 23 March 2007 and was published on 4 October 2007 as WO 2007/110386 A2.

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

  
Karin T. Dunn

Translation of the pertinent portions of a **Notification of the Transmittal of the International Preliminary Report Regarding Patentability** in accordance with Rule 71.1 PCT, mailed 09/24/2008

2. This report comprises a total of 5 pages including this cover sheet.

4. This report contains information on the following items:

Box I Basis of the Report

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

**Box I            Basis of the Report**

1. With regard to **language**, the opinion has been established on the basis of:  
the international application in the language in which it was filed.
  
2. With regard to the **components** of the international application the report is based upon

**Description, pages**

3-21	published version
1, 2	received on 07/05/2008 with the letter dated 07/03/2008

**Claims, No.**

1-36	received on 07/05/2008 with the letter dated 07/03/2008
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**Drawings, pages**

1/14-14/14	published version
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**Box V. Reasoned statement according to Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations to support such statement**

1. Statement

Novelty (N)                      Yes: Claims 1-36  
   No:    Claims

Inventive Step (IS)            Yes: Claims 1-36  
   No:    Claims

Industrial Applicability (IA) Yes: Claims 1-36  
   No:    Claims

2. Citations and Explanations (Rule 70.7):

**See supplementary pages**

## INTERNATIONAL PRELIMINARY REPORT REGARDING PATENTABILITY (SUPPLEMENTARY PAGES)

Reference is made in part to the following documents:

- D1: US-A-5 413 039 (SOHMA ISAO [JP]) 9 May 1995 (05/09/1995)
- D2: DE 103 48 611 B3 (KOENIG & BAUER AG [DE]) 28 April 2005 (04/28/2005)
- D3: EP-A-1 614 647 (VOITH PAPER PATENT GMBH [DE]) 11 January 2006 (01/11/2006)
- D4: DE 10 2004 018401 A1 (KOENIG & BAUER AG [DE]) 3 November 2005 (11/03/2005)
- D5: US 2002/124704 A1 (ROTH CURTIS A [US]) 12 September 2002 (09/12/2002)
- D6: US 2003/167943 A1 (IZAWA HIDEO [JP] ET AL.) 11 September 2003 (09/11/2003)

### Re Item V.

#### **Reasoned statement with regard to novelty, inventive step and industrial applicability**

D1 discloses (see especially Fig. 3) a

Device for feeding a material web (6) to a printing unit of a web-fed rotary printing press (rotary press) having a reel stand that carries a material reel (5), which is arranged laterally next to the machine alignment (the reel stand according to D1 is arranged underneath the printing presses, however reel stands arranged to the sides of printing presses are also known, per se, see D6), which is why this characterizing feature is not based upon an inventive step, and at least one turner bar arranged in the web path between reel stand and printing unit, which is inclined 45° in relation to the direction of transport of the material web running up to it (cf. preamble to **claim 1**).

The object of claim 1 therefore differs from the device according to D1 in that the turner bar has outlet openings embodied as micro openings for the passage of a pressurized fluid, at least in an angular wraparound area of the material web, wherein the maximum average diameter of said openings is 500µm. However, this characterizing feature is known, per se, and has also already been used in web-fed rotary printing presses, as is known, for example, from D2. Therefore the object of claim 1 is novel (Article 33(2) PCT).

The object of claim 1 further differs from D1 in that the turner bar has micro openings through which fluid flows, and is blasted with air, as the material web is being moved, over a length that is greater than the width of the area that is covered by the material web wrapped around it.

Although it is known from D2 that in the circumferential direction a zone which is not covered by the material web or is not covered by the material web under all operating conditions is blasted with air, D2 does not disclose that the turner bar is blasted with air **over a length** that is greater than the width of the material web. Under production conditions, this means that an

exchange of the turner bar or a selective closure of micro openings is no longer necessary, i.e., the object of allowing different web widths to be conveyed without requiring that the machine be refitted for this purpose is attained.

One of ordinary skill in the art receives no suggestion that would lead him in an obvious manner to the object of claim 1. Therefore, the object of the independent device claim 1 is based upon an inventive step (Art. 33(3) PCT).

By the same token, the object of independent process claim 35, according to which *during production* involving a material web that is narrower than a maximum web width that can be processed in the machine, the turner bar is blasted with air over its entire active length, which is established as the maximum web width, as the material web is being moved, so that pressurized fluid exits from outlet openings embodied as micro openings over the entire active length, is novel (Art. 33(2) PCT) based upon an inventive step (Art. 33(3) PCT), because such an operating condition is not disclosed in any of the documents cited in the Search Report, and is not suggested by any of the documents cited therein, even in combination.

## Claims

1. Device for feeding a material web (03) to a printing unit (01) of a web-fed rotary printing press with a reel stand (06) which carries a material reel (08) and which is arranged laterally next to the machine alignment, and with at least one turner bar (07) arranged in the web path between reel stand (06) and printing unit (01), which is inclined 45° in relation to the direction of transport (T1) of the material web (03) running up to it, characterized in that the turner bar (07) has outlet openings (23) embodied as micro openings (23) for the passage of a pressurized fluid, at least in an angular wraparound region of the material web (03), with the maximum average diameter of said openings being 500 µm, and in that the turner bar (07) has micro openings (23) through which fluid flows, and, as the material web (03) is moving, said turner bar is blasted with air over a length (L07) which is greater than the width of the area covered by the material web (03) which wraps around it.
2. Device according to claim 1, characterized in that the printing unit (01) has a rotating processing tool (04) that cooperates with the material web (03), wherein the turner bar (07), which is arranged in the web path between reel stand (06) and printing unit (01), is arranged at a level of the machine that is above the level of the processing tool (04).
3. Device according to claim 2, characterized in that the turner bar (07) has outlet openings (23) embodied as micro openings (23), at least in an angular wraparound region for the material web (03), for the passage of a pressurized fluid, with the maximum average diameter of said holes measuring 500 µm.

4. Device according to claim 1 or 2, characterized in that, at least on a part of the web path between the reel stand (06) and the printing unit (01), a transport device (31) that guides the web leading edge (39; 41) around the turner bar (07) is provided for a non-manual, especially a motorized, infeed of a web leading edge (39; 41).
5. Device according to claim 1 or 3, characterized in that as the material web (03) is moving, the pressurized fluid exits through micro openings (23) that are not wrapped in at least one longitudinal section of the turner bar (07).
6. Device according to claim 1 or 3, characterized in that as the material web (03) is moving, the turner bar (07) is wrapped by the web and/or by its leading edge (39; 41), wherein in at least one longitudinal section of the turner bar (07) the pressurized fluid exits through micro openings (23) that are not wrapped.
7. Device according to claim 1 or 3, characterized in that during production the turner bar (07) is wrapped by a material web (03) that is narrower than a maximum web width that can be processed in the machine, and in uncovered edge areas, fluid flows out of the micro openings (23).
8. Device according to claim 1 or 3, characterized in that during the infeed process, the turner bar (07) is blasted with air over its entire active length, and fluid flows out of micro openings (23) over its entire active length.
9. Device according to claim 1 or 3, characterized in that the turner bar (07) is wrapped by

a triangular web leading edge (38; 41) but is blasted with air over its entire active length, and fluid flows out of micro openings (23) over its entire active length.

10. Device according to claim 1 or 2, characterized in that the turner bar (07) is arranged horizontally such that a longitudinal axis (L) of the turner bar (07) extends within a horizontal plane.
11. Device according to claim 1, characterized in that the printing unit (01) has a rotating processing tool (04) that cooperates with the material web (03).
12. Device according to claim 2 or 11, characterized in that the printing unit (01) and the reel stand (06) are arranged offset in relation to one another, as viewed with respect to the direction of a rotational axis (R04) of the processing tool (04) of the printing unit (04).
13. Device according to claim 2 or 11, characterized in that the rotational axis (R08) of a material reel (08) of the reel stand (06) and the rotational axis (R04) of the processing tool (04) extend perpendicular to one another.
14. Device according to claim 1 or 2, characterized in that the turner bar (07) has a length that is actively used for deflection (L07), wherein its projection on the width of the incoming material web (03) corresponds to at least a maximum web width that can be processed in the machine.
15. Device according to claim 7 or 14, characterized in that the maximum web width that can be processed in the machine corresponds to a width of four newspaper pages in a

broadsheet format.

16. Device according to claim 7 or 14, characterized in that the maximum web width that can be processed in the machine corresponds to a width of six newspaper pages in a broadsheet format.
17. Device according to claim 1 or 2, characterized by a plurality of printing units (01), wherein at least two of these printing units (01) are arranged side by side in the same machine alignment, as viewed in a direction perpendicular to the rotational axis (R04) of the respective processing tools (04).
18. Device according to claim 17, characterized in that a machine center plane (M) of the machine alignment extends perpendicular to the rotational axes (R04) of the processing tools (04) of the at least two printing units (01) and through the center section of a usable cylinder length of the processing tools (04).
19. Device according to claim 17, characterized in that a plurality of reel stands (06) are arranged laterally next to the machine alignment.
20. Device according to claim 19, characterized in that two adjacent reel stands (06) point with their loading side toward a shared platform that lies between them.
21. Device according to claim 1 or 2, characterized in that two horizontal turner bars (07) are arranged in a space between two printing units (01).
22. Device according to claim 2, characterized in that two horizontal turner bars (07) are

arranged above an intermediate space located between two printing units (01).

23. Device according to claim 1 or 3, characterized in that the maximum average diameter is 300  $\mu\text{m}$ .
24. Device according to claim 1 or 3, characterized in that the micro openings (23) are embodied as open pores in a porous material.
25. Device according to claim 1 or 3, characterized in that the micro openings (23) are embodied as openings of microscopic holes (27).
26. Device according to claim 1 or 3, characterized in that the turner bar (07) has micro openings (23) only within an angular region of less than  $270^\circ$ .
27. Device according to claim 1 or 3 and claim 14, characterized in that the turner bar (07) has micro openings (23) over at least a length whose projection on the width of the incoming material web (03) corresponds to the maximum web width that can be processed in the machine.
28. Device according to claim 27, characterized in that the turner bar (07), which is blasted with compressed air over its entire active length that is equipped with micro openings (23), is wrapped by a web (03), the width of which is narrower than that of the maximum web width that can be processed in the machine.
29. Device according to claim 4, characterized in that a transport device (31) is provided,

which guides the leading edge of the web around the turner bar (07).

30. Device according to claim 4 or 29, characterized in that the transport device (31) is embodied as a guide (32) with an endless chain (33) that can be transported in this guide (32).
31. Device according to claim 4 or 29, characterized in that the transport device (31) is embodied as an infeed belt (37) that is guided over tape pulleys (38).
32. Device according to one or more of the preceding claims, characterized in that the machine is configured as a printing press.
33. Device according to one or more of the preceding claims, characterized in that the processing tool (04) is embodied as a printing couple cylinder (04).
34. Device according to one or more of the preceding claims, characterized in that the reel stand (06) is embodied as a reel changer (06), especially as a reel changer (06) for a flying reel change.
35. Method for feeding a material web (03) to a printing unit (01) of a web-fed rotary printing press with a reel stand (06) which carries a material reel (08) and is arranged laterally next to the machine alignment, and with at least one turner bar (07) arranged in the web path between reel stand (06) and printing unit (01), which is inclined 45° in relation to the direction of transport (T1) of the material web (03) running up to it, characterized in that during production involving a material web (03) that is narrower than a maximum web

width that can be processed in the machine, as the material web (03) is moved the turner bar (07) is blasted with air over an entire active length (L07) which is established as the maximum web width, so that pressurized fluid exits through outlet openings (23) embodied as micro openings (23) over the entire active length (L07).

36. Method according to claim 35, characterized in that the material web (03) is guided into the printing unit (01) from the top, and passes successively, in its direction of transport, through a plurality of printing couples (02) arranged one above another, from top to bottom.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/225,300	10/17/2008	Peter Franz Beck	WI. 2669 PCT-US	6939

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

EXAMINER
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NGUYEN, ANTHONY H

ART UNIT	PAPER NUMBER
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2854

MAIL DATE	DELIVERY MODE
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11/09/2010

PAPER

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

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



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

**In re Application of  
BECK et al.**

**Application No.: 12/225,300**

**Filed: 17 October 2008**

**Attorney Docket No.: WI. 2669 PCT-US**

**For: DEVICE AND A METHOD FOR  
FEEDING A MATERIAL WEB TO A  
PRINTING UNIT OF A WEB-FED  
ROTARY PRESS**

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

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed 30 September 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

#### Discussion

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

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

along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

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

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

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

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

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



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



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/225,314	09/18/2008	Christopher Gordon Payne	5065-32	7018

23117 7590 02/23/2012  
NIXON & VANDERHYE, PC  
901 NORTH GLEBE ROAD, 11TH FLOOR  
ARLINGTON, VA 22203

EXAMINER

KENNEDY, JOSHUA T

ART UNIT PAPER NUMBER

3679

NOTIFICATION DATE DELIVERY MODE

02/23/2012

ELECTRONIC

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

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

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

PTOMAIL@nixonvan.com  
clm@nixonvan.com



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FEB 22 2012

NIXON & VANDERHYTE, PC  
901 North Glebe Road, 11th Floor  
Arlington, VA 22203

In re Application of	:	
Christopher PAYNE	:	
Application No. 12/225,314	:	DECISION ON PETITION
Filed: September 18, 2008	:	UNDER 37 CFR §1.181
For: APPARATUS FOR AND METHOD OF	:	
INHIBITING DELAMINATION	:	

This is a decision in response to the submission denominated "Petition for Reconsideration" received on October 5, 2011. The paper is being treated as a petition under 37 CFR 1.181 to the Director.

Petitioner requests entry of the amendment under 37 CFR 1.116 filed September 7, 2011.

The petition is **DISMISSED as MOOT**

A review of the prosecution history shows that a final Office action was mailed on June 7, 2011. An amendment under 37 CFR 1.116 was filed on September 7, 2011; however it was not entered. An advisory action was mailed September 23, 2011. Subsequent to the instant petition, the examiner issued a non-final Office action on November 21, 2011.

MPEP 706.07(e) sets forth that "when a final rejection is withdrawn, all amendments filed after final rejection are ordinarily entered." Thus, the September 7, 2011 amendment was entered. Accordingly, applicant's petition for entry of the September 7, 2011 amendment is dismissed as moot.

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




---

David Talbott, Director  
Patent Technology Center 3600  
Telephone No.: (571)-272-5150

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**BREINER & BREINER, L.L.C.**  
**115 NORTH HENRY STREET**  
**ALEXANDRIA VA 22314**

**MAILED**

**JAN 31 2012**

**OFFICE OF PETITIONS**

In re Application of  
Baldanza et al.  
Application No. 12/225,366  
Filed: December 8, 2008  
Attorney Docket No. 7203/PCT

:  
:  
:  
: **DECISION ON PETITION**  
: **TO WITHDRAW FROM RECORD**  
:  
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 6, 2012.

The request is **APPROVED**.

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

The request was signed by Jennifer A. Harchick on behalf of herself. Accordingly, Jennifer A. Harchick associated with the above-identified application has been withdrawn as attorney of record in the above-identified application.

The correspondence address of record remains unchanged.

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

Currently, a Notice of Allowance was mailed January 5, 2012 in the above-identified application that requires a reply.

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

/Joan Olszewski/  
Joan Olszewski  
Petitions Examiner  
Office of Petitions

cc: Jennifer A. Harchick  
7761 White Heron Trail  
Alexandria, Virginia 22306



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

**MAILED**

**APR 12 2012**

**OFFICE OF PETITIONS**

In re Application of :  
Peter Georg Baum, et al. :  
Application No.: 12/225,397 :  
Filed: September 19, 2008 :  
Attorney Docket No.: PD060025 :

ON PETITION

This is a decision on the petition, filed April 10, 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 not signed by an attorney or agent of record. However, in accordance with 37 CFR 1.34(a), the signature of John G. Tutunjian appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts. However, if Mr. Tutunjian desires to receive correspondence regarding this file, the appropriate power of attorney documentation must be submitted. A courtesy copy of this decision is being mailed to Mr. Tutunjian, the petitioner herein. However, until otherwise instructed, all future correspondence regarding this application file will be directed solely to the above-noted correspondence address of record.

The 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 2, 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.<sup>1</sup>*

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 2611 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

cc: JOHN G. TUTUNJIAN  
TUTUNJIAN & BITETTO, P.C.  
425 BROADHOLLOW ROAD, SUITE 302  
MELVILLE, NY 11747

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



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/225,404	09/18/2008	Haiwon Lee	62695/J257	7818
23363	7590	11/17/2010	EXAMINER	
CHRISTIE, PARKER & HALE, LLP			IPPOLITO RAUSCH, NICOLE	
PO BOX 7068			ART UNIT	PAPER NUMBER
PASADENA, CA 91109-7068			2881	
			MAIL DATE	DELIVERY MODE
			11/17/2010	PAPER

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



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November 17, 2010

CHRISTIE, PARKER & HALE, LLP  
P. O. BOX 7068  
PASADENA CA. 91109-7068

In re Application of :  
LEE, HAIWON;et el : **DECISION ON PETITION**  
Application No. 12/225,404 :  
Filed: 09/18/2008 :  
Attorney Docket No. 62695/J257 :

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) September 18, 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
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
12/225,404 09/18/2008 Haiwon Lee 62695/J257 7818

7590 01/11/2011
CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA, CA 91109-7068

Table with 1 column: EXAMINER

IPPOLITO RAUSCH, NICOLE

Table with 2 columns: ART UNIT, PAPER NUMBER

2881

Table with 2 columns: 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

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January 11, 2011

CHRISTIE, PARKER & HALE, LLP  
PO BOX 7068  
PASADENA CA 91109-7068

In re Application of :  
Lee, Haiwon, et al : **DECISION ON PETITION**  
Application No. 12/225,404 :  
Filed: 09/18/2008 : **ACCEPTANCE OF COLOR**  
Attorney Docket No. 62695/J257 : **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 20, 2010.

The petition is **GRANTED**.

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

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

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

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

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/225,411	09/22/2008	Toyohiko Ariga	4456-0132PUS1	7866
2292	7590	03/08/2012	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			NGUYEN, QUANG	
			ART UNIT	PAPER NUMBER
			1633	
			NOTIFICATION DATE	DELIVERY MODE
			03/08/2012	ELECTRONIC

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

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

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

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

March 8, 2012

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

In re Application of	:	
Toyohiko Ariga et al.	:	<b>DECISION ON PETITION</b>
Application No. 12225411	:	
Filed: 9/22/2008	:	<b>ACCEPTANCE OF COLOR</b>
Attorney Docket No. 4456-0132PUS1	:	<b>DRAWINGS</b>

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

The petition is **GRANTED**.

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

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

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

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

/Don Fairchild/  
Office of Data Management  
Publications Branch



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**SCHWEGMAN, LUNDBERG & WOESSNER/NIH  
PO BOX 2938  
MINNEAPOLIS MN 55402-0938**

**MAILED**

**MAR 14 2011**

**OFFICE OF PETITIONS**

In re Application of :  
RAVIV, et al :  
Application No. 12/225,551 :  
Filed: May 18, 2009 :  
Attorney Docket No. 1662.048US1 :  
: **DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 13, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because the attorneys of record were not appointed by Customer No. 21186 as indicated. Any future submission should include the proper Customer Number to assist the Office in reviewing and expedite processing.

Further, the change of correspondence address appears to be that of an assignee who has not properly been made of record under 37 CFR 3.71. 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 first named inventor.

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: ROBIN A. CHADWICK  
1600 TCF TOWER, 121 SOUTH 8<sup>TH</sup> STREET  
MINNEAPOLIS, MN 55402

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 2/8/2011

Paper No.: \_\_\_\_\_

TO SPE OF : ART UNIT 2817

*CofC mailbox date* 1/18/2011

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/225565 Patent No.: 7755436 B2

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

**FOR IFW FILES:**

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

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

**FOR PAPER FILES:**

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

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

*Virginia Tolbert*

Certificates of Correction Branch

571-272-0460

**Thank You For Your Assistance**

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

Note your decision on the appropriate box.

**Approved**

All changes apply.

**Approved in Part**

Specify below which changes do not apply.

**Denied**

State the reasons for denial below.

Comments: OK Du 2/15/11

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*[Signature]*

2817



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TIMOTHY M. MORELLA  
MOLEX INCORPORATED  
2222 WELLINGTON COURT  
LISLE, IL 60532

**MAILED**

**DEC 07 2010**

**PCT LEGAL ADMINISTRATION**

In re Application of:	:	
SUZUKI ET AL	:	
US Application No.: 12/225,614	:	DECISION ON
PCT Application No.: PCT/US2007/007891	:	
Int. Filing Date: 29 March 2007	:	
Priority Date: 29 March 2006	:	REQUEST UNDER
Atty Docket No.: A6-266 US	:	
For: RELAY CONNECTOR	:	
	:	37 CFR 1.497(d)
	:	

This is a decision on petitioner's "PETITION TO CORRECT INVENTORSHIP" filed on 25 August 2009, which is being treated as a request under 37 CFR 1.497(d) to add Cong Li to the application.

**BACKGROUND**

On 29 March 2007, applicants filed international application No. PCT/US2007/007891 and claiming priority date of 29 March 2006.

On 25 September 2008, applicants filed a Transmittal Letter for entry into the national stage in the United States of America. Filed with the Transmittal Letter was, inter alia, the requisite basic national fee. No executed declaration was submitted at such time.

On 25 August 2009, applicants filed a declaration and the present petition to add an inventor to the application.

**DISCUSSION**

A submission under 37 CFR 1.497(d) must include:

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

With respect to item (1), the appropriate statement has been provided.

With respect to item (2), the processing fee of \$130 has been paid.

With respect to item (3), a written consent from the assignee Molex Incorporated, has been provided.

### CONCLUSION

For the reason above, applicants' petition under 37 CFR 1.497(d) is **GRANTED**.

The Notice of Acceptance of application under 35 U.S.C. 371 and 37 CFR 1.495 mailed on 08 December 2009 indicates the 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) date as 25 August 2009.

  
Shian Luong  
PCT Special Programs Examiner  
Office of PCT Legal Administration  
Telephone: (571) 272-4557

  
Bryan Lin  
PCT Legal Examiner  
Office of PCT Legal Administration



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27476  
NOVARTIS VACCINES AND DIAGNOSTICS  
P.O. Box 8097  
Emeryville, CA 94662-8097

**MAILED**  
JUN 27 2011

PCT LEGAL ADMINISTRATION

In re Application of :  
SHARMA *et al* :  
U.S. Application No.: 12/225,655 :  
PCT No.: PCT/US2007/007635 :  
Int. Filing Date: 27 March 2007 :  
Priority Date: 28 March 2006 :  
Docket No.: PAT052030-US-PCT :  
For: COVALENTLY LINKED COMPLEXES :  
OF HIV TAT AND ENV PROTEINS :

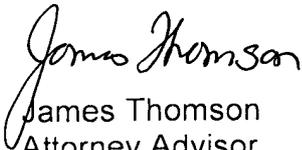
**DECISION ON  
PETITION UNDER  
37 CFR 1.137(b)**

Applicants' petition to revive under 37 CFR 1.137(b) filed on 04 May 2011 is hereby **GRANTED** as follows:

A declaration in compliance with 37 CFR 1.497(a) and (b), a \$130.00 surcharge fee, and an acceptable CRF sequence listing was provided. The petition fee has been paid. Applicants made the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required.

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

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



James Thomson  
Attorney Advisor  
Office of PCT Legal Administration

Tel.: (571) 272-3302



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.
12/225,690	09/26/2008	Sang-Choll Han	29137.386.00	1203

30827 7590 03/02/2011  
MCKENNA LONG & ALDRIDGE LLP  
1900 K STREET, NW  
WASHINGTON, DC 20006

EXAMINER

MCPHERSON, JOHN A

ART UNIT PAPER NUMBER

1721

MAIL DATE DELIVERY MODE

03/02/2011

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.



CST

March 1, 2011

In re application of	:	DECISION ON REQUEST TO
Sang-Choll Han et al	:	PARTICIPATE IN PATENT
Serial No. 12/225,690	:	PROSECUTION HIGHWAY
Filed: September 26, 2008	:	PROGRAM AND
For: METHOD OF FORMING	:	PETITION TO MAKE SPECIAL
NANOPATTERN AND SUBSTRATE	:	UNDER 37 CFR 1.102(a)
HAVING PATTERN FORMED	:	
USING THE METHOD	:	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program, filed December 10, 2010.

The request and petition are **DISMISSED**.

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

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO, note where the KIPO 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 KIPO application with similar claims and the KIPO priority application;
- (2) Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the KIPO 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 KIPO 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 KIPO application(s) containing the allowable/patentable claim(s) or
    - ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
    - iii. if the KIPO application is a first action allowance then no office action from the KIPO is necessary should be indicated on the request/petition form:  
Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
  - b. An English language translation of the KIPO 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 KIPO examiner in the KIPO office action (unless already submitted in this application)
  - b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

The request to participate in the PPH program and petition fail because:

(3) All of the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s).

Claim 1 of KIPO application 10-2006-0032655 requires that the substrate is roll-shaped, however claim 1 of present application requires only a substrate. Note also present claims 3, 5, 7, 9 and 17 which also require a substrate, rather than the roll-shaped substrate which is set forth in the claims of the KIPO application.

Also, claim 1 of the KIPO application requires that the pattern is formed by "coherent light", whereas claim 1 of the present application sets forth that the pattern is formed by "optical interference". Note also present claims 17, 20 and 35 which require "interfering light" rather than "coherent light" which is set forth in the claims of the KIPO application.

Also, claim 1 of the KIPO application requires that the roll-shaped substrate is rotated, however claim 1 of the present application does not require that the substrate is rotated. Note also present claim 17.

Application No. 12/225,690

It is also noted that the PPH program with the JPO and the PPH program involving PCT's both allow applicant to add claims in the US application which are narrower in scope than those allowed by the other patent office, however the PPH program between the KIPO and the USPTO does not currently allow applicant to add dependent claims which are narrower in scope to those indicated as allowable by the KIPO. Thus, any newly added claims which are narrower in scope than a claim indicated as allowable by the KIPO does not sufficiently correspond to the allowable claims in the KIPO application. Here, it appears that claim 2 does not sufficiently correspond to any of the claims indicated as allowable by the KIPO.

Applicant is given a time period of **ONE MONTH OR THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected within the time period given, the application will await action in its regular turn.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

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

/Christine Tierney/

---

Christine Tierney  
Quality Assurance Specialist  
Technology Center 1700



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/225,690	09/26/2008	Sang-Choll Han	29137.386.00	1203
30827	7590	06/14/2011	EXAMINER	
MCKENNA LONG & ALDRIDGE LLP			VERDERAME, ANNA L	
1900 K STREET, NW			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20006			1722	
			MAIL DATE	DELIVERY MODE
			06/14/2011	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.



WG

June 14, 2011

In re application of	:	DECISION ON REQUEST TO
Sang-Choll Han et al.	:	PARTICIPATE IN PATENT
Serial No. 12/225,690	:	PROSECUTION HIGHWAY
Filed: September 26, 2008	:	PROGRAM AND
For: METHOD OF FORMING	:	PETITION TO MAKE SPECIAL
NANOPATTERN AND SUBSTRATE	:	UNDER 37 CFR 1.102(a)
HAVING PATTERN FORMED USING	:	
THE METHOD	:	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a) to make the above-identified application special filed May 10, 2011.

The request and petition are **DENIED**.

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 KIPO, note where the KIPO 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 KIPO application with similar claims and the KIPO priority application;
- (2) Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the KIPO 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 KIPO application(s); and
  - b. Submit a claims correspondence table in English;
- (4) Examination of the U.S. application has not begun;

Application No. 12/225,690

(5) Applicant must submit a copy of:

- a. All of the Office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) that are the basis for the request;
- b. An English language translation of the KIPO Office actions from (5)(a) above; and
- c. A statement that the English translation is accurate;

(6) Applicant must submit:

- a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already submitted in this application)
- b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

The request to participate in the PPH program and petition fail because action on this US application has begun. Specifically, a non-final action on the merits was mailed on June 3, 2011.

Any inquiry regarding this decision should be directed to Walter D. Griffin, Supervisory Patent Examiner, at (571) 272-1447.

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>.

/Walter D. Griffin/

---

Walter D. Griffin  
Supervisory Patent Examiner  
Technology Center 1700



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Alexandria, VA 22313-1450  
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**MAILED**

**DEC 07 2010**

**PCT LEGAL ADMINISTRATION**

JACOBSON HOLMAN PLLC  
400 SEVENTH STREET N.W.  
SUITE 600  
WASHINGTON DC 20004

In re Application of: SOUDAN, Freddie :  
U.S. Application No.: 12/225,724 :  
PCT No.: PCT/BE2007/000031 :  
International Filing Date: 28 March 2007 :  
Priority Date: 28 March 2006 :  
Attorney Docket No.: P72845US0 :  
For: METHOD AND COMBINED SET :  
COMPRISING A DEVICE AND A :  
FILM MATERIAL FOR :  
MANUFACTURING FOAM :  
CUSHIONS :

DECISION  
(37 CFR 1.181)

This decision is issued in response to the "Request For Corrected Filing Receipt" filed 06 January 2010, treated herein in part as a petition under 37 CFR 1.181 to correct the 35 U.S.C. 371(c) date to 29 September 2008. No petition fee is required.

**BACKGROUND**

On 28 March 2007, applicant filed international application PCT/BE2007/000031. The international application claimed a priority date of 28 March 2006, and it designated the United States. On 04 October 2007, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submitting the basic national fee was thirty months from the priority date, i.e., 28 September 2008.

On 28 September 2008, applicant filed a Transmittal Letter requesting entry into the U.S. national stage accompanied by, among other materials, payment of the basic national fee.

On 21 July 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497.

On 21 September 2009, applicant filed a response to the Notification Of Missing Requirements that included an executed declaration.

On 10 November 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Acceptance" (Form PCT/DO/EO/903) identifying the "Date Of Receipt Of 35

U.S.C. 371(c)(1), (c)(2) and (c)(4) Requirements “ and the “Date Of Completion Of All U.S.C. 371 Requirements” as 21 September 2009. Also on 10 November 2009, a filing receipt was issued that identified the “Filing Date or 371(c) Date” as 21 September 2009.

On 06 January 2010, applicant filed the “Request For Corrected Filing Receipt” considered herein as a petition under 37 CFR 1.181. The submission requests correction of the “Filing Date or 371(c) Date” and one of the foreign priority application numbers listed on the filing receipt.

### DISCUSSION

The present petition requests correction of the “Filing Date or 371(c) Date” listed on the filing receipt from 21 September 2009 to 29 September 2008. As set forth in section 1893.03(b) of the Manual of Patent Examining Procedure (“MPEP”), the “Filing Date or 371(c) Date” listed on the filing receipt for a national stage application filed under 35 U.S.C. 371 is the date of completion of the requirements of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4). In the present case, the requirements of 35 U.S.C. 371(c)(1) (i.e., payment of the basic national fee) and 35 U.S.C. 371(c)(2) (i.e., a copy of the international application) were satisfied as of the filing of the original national stage materials on 29 September 2008.<sup>1</sup> However, the executed declaration completing the requirement of 35 U.S.C. 371(c)(4) was not filed until 21 September 2009.

Based on the above, the date of completion of the requirements of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) for the present national stage application is 21 September 2009, as properly set forth on the Notification Of Acceptance and filing receipt mailed on 10 November 2009. Applicant’s request to have the “Filing Date or 371(c) Date” corrected to 29 September 2008, a date prior to the submission of the required declaration, is therefore appropriately dismissed.

Applicant’s “Request For Corrected Filing Receipt” also requests that the application number for the first foreign priority claim be corrected from Belgium application number 2006/198 (as listed on the filing receipt) to Belgium application number 2006/0198. The requested 2006/0198 application number was listed on the declaration filed herein and on the PCT Request (Form PCT/RO/101) filed in the international application; this application number is also present on the copy of the foreign priority document contained present in the present application file. Under these circumstances, the requested correction of the application number for the first foreign priority application is appropriate.<sup>2</sup>

### CONCLUSION

The petition under 37 CFR 1.181 to correct the 35 U.S.C. 371(c) date from 21 September 2009 to 29 September 2008 is **DISMISSED** without prejudice.

The correct date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) for the present application is 21 September 2009, as set forth in the Notification Of Acceptance and filing receipt mailed on 10 November 2009.

---

<sup>1</sup> The international application was published in English, so an English translation was not required.

<sup>2</sup> It is noted that the published international application listed this application number as 2006/198.

As requested, USPTO records have been corrected to identify the first foreign priority application as Belgium application number 2006/0198. A corrected filing receipt containing this correction accompanies the present decision.

The application is being referred to Group Art Unit 1745 for examination.

/RichardMRoss/

Richard M. Ross  
Attorney Advisor  
Office of PCT Legal Administration  
Telephone: (571) 272-3296  
Facsimile: (571) 273-0459



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**MAILED**

MAR 31 2011

HARNES, DICKEY & PIERCE, P.L.C.  
P.O. BOX 8910  
RESTON VA 20195

**PCT LEGAL ADMINISTRATION**

In re Application of :  
KHACHATURIAN : DECISION ON  
Application No.: 12/225,733 :  
PCT No.: PCT/NL06/50146 : RENEWED PETITION  
Int. Filing Date: 27 June 2006 :  
Priority Date: None : UNDER 37 CFR 1.47(b)  
Attorney's Docket No.: 15081-000177/US :  
For: NAVIGATION DEVICE AND :  
METHOD FOR PROVIDING WARNINGS :  
FOR A SPEED TRAP :

This is a decision on Applicant's Renewed Petition under 37 CFR 1.47(b), filed 21 April 2010 to permit petitioner (applicant) to file the above-captioned application on behalf of the non-signing inventor Arshak KHACHATURIAN.

**BACKGROUND**

The procedural history of this application was set forth in the decision mailed on 09 March 2010 and is hereby incorporated by reference.

**DISCUSSION**

As previously stated, a petition under 37 CFR 1.47(b) must be accompanied by (1) the requisite petition fee, (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

Petitioner previously satisfied Items (1), (2), (3) and (6).

With respect to Item (4), Petitioner states that he has submitted a newly executed declaration by the 37 CFR 1.47(b) petitioner on behalf of the nonsigning inventor, which now identifies the non-signing inventor's citizenship. The declaration is acceptable under 37 CFR 1.497(a) and (b) and Item (4) is satisfied.

Proprietary Interest in the subject matter

As set forth in the MPEP 409.03(f):

When an inventor has agreed in writing to assign an invention described in an application deposited pursuant to 37 CFR 1.47(b), a copy of that agreement should be submitted. If an agreement to assign is dependent on certain specified conditions being met, it must be established by a statement of facts by someone with first hand knowledge of the circumstances in which those conditions have been met. A typical agreement to assign is an employment agreement where an employee (nonsigning inventor) agrees to assign to his or her employer (37 CFR 1.47(b) applicant) all inventions made during employment. When such an agreement is relied on, it must be established by a statement of a person having firsthand knowledge of the facts that the invention was made by the employee while employed by the 37 CFR 1.47(b) applicant.

With his renewed petition, Petitioner has submitted Mr. Khachaturian's executed employment agreement in which the employee agrees that all intellectual property rights, including inventions, belong exclusively to for TomTom International B.V. (TomTom) and that TomTom is the sole owner of them. Petitioner also submits the statement of Norbert Szalai, Patents Engineer for TomTom from August 28, 2006 to August 27, 2009. Mr. Szalai states that he was responsible for interfacing with inventors and states that he has "first hand knowledge of the invention described in the above-identified patent application was made by Arshak Khachaturian while employed by the 37 CFR 1.47(b) applicant". Item (5) is now satisfied. Accordingly, the petition under 37 CFR 1.47(b) is granted.

CONCLUSION

The petition under 37 CFR §1.47(b) is **GRANTED**.

The U.S. Designated/Elected Office is authorized to accept the application as a 37 CFR 1.47(b) application using the declaration filed. The application has an international filing date of 27 June 2006 under 35 U.S.C. 363, and a date of 21 April 2010 under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(b), a notice of the filing of this application will be forwarded to the non-signing inventors at their respective last known address of record. Also, a notice of the filing of this application will be published in the Official Gazette.

/Cynthia M. Kratz/  
Cynthia M. Kratz  
Attorney Advisor  
Office of PCT Legal Administration

Tel: 571-272-3286



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**MAILED**

NOV 31 2011

PCT LEGAL ADMINISTRATION

ARSHAK KHACHATURIAN  
STATIONSPLEIN 24  
2011 LL HAARLEM  
THE NETHERLANDS

In re Application of  
KHACHATURIAN  
Application No.: 12/225,733  
PCT No.: PCT/NL06/50146  
Int. Filing Date: 27 June 2006  
Priority Date: None  
Attorney's Docket No.: 15081-000177/US  
For: NAVIGATION DEVICE AND  
METHOD FOR PROVIDING WARNINGS  
FOR A SPEED TRAP

Dear Mr. Khachaturian:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(b) and 35 U.S.C. § 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Cynthia M. Kratz/  
Cynthia M. Kratz  
Attorney Advisor  
PCT Legal Office  
Telephone: (571) 272-3286  
Facsimile: (571) 273-0459

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. BOX 8910  
RESTON VA 20195



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/225,816	09/30/2008	Sang Ki Chun	29137.373.00	1866
30827	7590	01/06/2011	EXAMINER	
MCKENNA LONG & ALDRIDGE LLP 1900 K STREET, NW WASHINGTON, DC 20006			NAKARANI, DHIRAJLAL S	
			ART UNIT	PAPER NUMBER
			1787	
			MAIL DATE	DELIVERY MODE
			01/06/2011	PAPER

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

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



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CST

January 5, 2011

In re application of : DECISION ON REQUEST TO  
Sang Ki Chun et al : PARTICIPATE IN PATENT  
Serial No. 12/225,816 : PROSECUTION HIGHWAY  
Filed: September 30, 2008 : PROGRAM AND  
For: BI-LAYER STRUCTURED SHEET : PETITION TO MAKE SPECIAL  
HAVING EXCELLENT PRINTABILITY : UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program, filed December 17, 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 KIPO, note where the KIPO 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 KIPO application with similar claims and the KIPO priority application;
- (2) Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the KIPO 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 KIPO application(s); and
  - b. Submit a claims correspondence table in English;

Application No. 12/225,816

- (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 KIPO 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 KIPO application is a first action allowance then no office action from the KIPO is necessary should be indicated on the request/petition form:  
Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
  - b. An English language translation of the KIPO 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 KIPO examiner in the KIPO office action (unless already submitted in this application)
  - b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

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

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

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

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

/Christine Tierney/

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Christine Tierney  
Quality Assurance Specialist  
Technology Center 1700



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MCKENNA LONG & ALDRIDGE LLP  
1900 K STREET, NW  
WASHINGTON DC 20006

**MAILED**  
**SEP 16 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Sang Ki Chun, et al. :  
Application No. 12/225,816 : DECISION GRANTING PETITION  
Filed: September 30, 2008 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. 29137.373.00 :

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

The petition is **GRANTED**.

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

*Petitioner is advised that the issue fee paid on August 9, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>*

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 1787 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/  
April M. Wise  
Petitions Examiner  
Office of Petitions

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<sup>1</sup> *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.*

<b>Doc Code: PET.AUTO</b>		PTO/SB/83
<b>Document Description: Petition automatically granted by EFS-Web</b>		U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12225889	
Filing Date	30-Sep-2008	
First Named Inventor	Victor Giner	
Art Unit	1619	
Examiner Name	GAREN GOTFREDSON	
Attorney Docket Number	510829.000008	
Title	Reverse-Phase Microcapsules for Actice Ingredients, Simplified Process of Manufacture Thereof and Combined Formulation Wdg- Cs,Zc, Ec-Sc, and Cx	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and all the practitioners of record.		
The reason(s) for this request are those described in 37 CFR:		
10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	GAT Microencapsulation AG Victoria de Lerma Asociados	
Address	Poeta Querol n 1 pta 10	
City	46002 Valencia	
State		
Postal Code		
Country	ES	

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/James Murphy/
Name	James J. Murphy
Registration Number	34503



## 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](http://www.uspto.gov)

Decision Date : December 2, 2011

In re Application of :

DECISION ON REQUEST TO WITHDRAW AS

Victor Giner

ATTORNEY/AGENT OF RECORD

Application No : 12225889

Filed: 30-Sep-2008

Attorney Docket No : 510829.000008

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR. § 1.36(b), filed December 2, 2011

The request is **APPROVED**

The request was signed by James J. Murphy (registration no. 34503 ) on behalf of all the attorneys/agents of record. All attorneys/agents of record have been withdrawn.

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

Name GAT Microencapsulation AG  
Name2 Victoria de Lerma Asociados  
Address 1 Poeta Querol n 1 pta 10  
Address 2  
City 46002 Valencia  
State  
Postal Code  
Country ES

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

**MAILED**  
MAR 21 2012  
OFFICE OF PETITIONS

In re Application of :  
Pavel Matousek et al :  
Application No. 12/225,928 : DECISION GRANTING PETITION  
Filed: October 2, 2008 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. 1028-0219PUS1 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, March 20, 2012 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

**Petitioner is advised that the issue fee paid on February 7, 2012 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.**

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

This matter is being referred to Technology Center AU 2882 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/  
Irvin Dingle  
Petitions Examiner  
Office of Petitions

---

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



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Alexandria, VA 22313-1450  
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**LAURENCE C. BONAR**  
**917 LOGAN ST**  
**PORT TOWNSEND, WA 98368-2337**

**MAILED**

SEP 29 2011

**OFFICE OF PETITIONS**

In re Application of  
**LANE, Dean Vincent**  
Application No. 12/225,945  
Filed: September 30, 2008  
Attorney Docket No. **LA-01**

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**DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 22, 2011.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Laurence C. Bonar has been revoked by the applicant of the patent application on September 02, 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-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: **YOUNG BASILE**  
**3001 WEST BIG BEAVER ROAD**  
**SUITE 624**  
**TROY MI 48084**

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

DATE : 11/20/11  
 TO SPE OF : ART UNIT 2618  
 SUBJECT : Request for Certificate of Correction for Appl. No.: 12226001 Patent No.: 8036691

CofC mailroom date: 11/08/11

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

**FOR IFW FILES:**

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

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

**FOR PAPER FILES:**

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

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

~~You can fax the Director's SPE response to 571-273-3421~~

Note: Please check Claims 1 and 18  
Should the changes to 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**

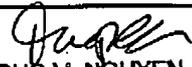
Specify below which changes **do not** apply.

**Denied**

State the reasons for denial below.

Comments: \_\_\_\_\_ **Yes, the changes to the claims should be made. There is no new matter** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

  
DUC M. NGUYEN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

11/21/2011

SPE

Art Unit



80711  
BRINKS HOFER GILSON & LIONE/Ann Arbor  
524 South Main Street  
Suite 200  
Ann Arbor, MI 48104

**MAILED**

**JAN 14 2011**

In re Application of :  
ABE *et al* :  
U.S. Application No.: 12/226,045 :  
PCT No.: PCT/JP2007/058038 :  
Int. Filing Date: 12 April 2007 :  
Priority Date: 13 April 2006 :  
Attorney Docket No.: 14048-48 :  
For: VULCANIZABLE ADHESIVE :  
COMPOSITION :

**PCT LEGAL ADMINISTRATION**

**DECISION**

This decision is in response to the petition under 37 CFR 1.182 filed 22 November 2010.

**BACKGROUND**

On 06 October 2008, applicants filed papers to enter the national stage of PCT/JP2007/035038. As such, the application was processed as the national stage of PCT/JP2007/035038 by the Office. However, several other papers filed that day listed the international application as PCT/JP2007/058038.

On 22 September 2010, a communication was mailed regarding the discrepancy in the PCT number.

On 22 November 2010, applicants filed the subject petition.

**DISCUSSION**

Applicants' petition under 37 CFR 1.182 to correct the PCT number in the above-captioned national stage application to PCT/JP2007/058038.

The \$400.00 petition fee has been paid.

A review of the above-captioned application file verifies that the wrong PCT number (PCT/JP2007/035038) was designated on the transmittal letter (PTO-1390) during the initial filing.

Regardless, applicants provided a declaration, international papers and a

preliminary amendment that correspond to PCT/JP2007/058038 on initial filing. WIPO records indicate that the PCT number corresponding to the title, international filing date, priority date and listed applicants is PCT/JP2007/058038. Further, applicants state in the subject petition that the proper international application number is PCT/JP2007/058038.

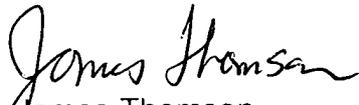
This is sufficient for a grantable petition.

### CONCLUSION

Applicants' petition under 37 CFR 1.182 is GRANTED.

USPTO records have been changed to reflect that the above-captioned application is the national stage of PCT/JP2007/058038.

This application is being forwarded to the DO/EO/US for further processing in accordance with this decision.



James Thomson

Attorney Advisor  
Office of PCT Legal Administration

Tel.: (571) 272-3302

## 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:	12/226,055	Filing date:	October 7, 2008
First Named Inventor:	Volker Gerold RAUH		

Title of the Invention: **ROLLER OF A PRINTING MACHINE COMPRISING A DEVICE FOR GENERATING AN AXIAL OSCILLATION**

**THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EFW/EFW\\_HELP.HTML](http://www.uspto.gov/efw/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/EP2007/054143**

The international date of the corresponding PCT application(s) is/are: **April 27, 2007**

**i. List of Required Documents:**

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

is attached

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

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

is attached.

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

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

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

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

(continued)

Application No.: 12/226,055

First Named Inventor: Volker Gerold RAUH

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

- Is attached
- Has already been filed in the above-identified U.S. application on October 7, 2008

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

- Are attached
- Have already been filed in the above-identified U.S. application on October 7, 2008

**II. Claims Correspondence Table:**

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
111 - 113	1 - 3	direct correspondence
114 - 116	4 - 6	U.S. claim amended to remove multiple dependency
117 - 119	7 - 9	direct correspondence
120	10	U.S. claim amended to remove multiple dependency
121 - 125	11 - 15	direct correspondence
126	16	U.S. claim amended to remove multiple dependency
127	17	direct correspondence
128	18	U.S. claim amended to remove multiple dependency
129 - 133	19 - 23	direct correspondence
134	24	U.S. claim amended to remove multiple dependency
135	25	direct correspondence
136	26	U.S. claim amended to remove multiple dependency
137 - 139	27 - 29	direct correspondence
140 - 145	30 - 35	U.S. claim amended to remove multiple dependency
146, 147	36, 37	direct correspondence
148, 149	38, 39	U.S. claim amended to remove multiple dependency
150, 151	40, 41	direct correspondence
152	42	U.S. claim amended to remove multiple dependency



**KARIN T. DUNN**

**GERMAN TRANSLATION AND LANGUAGE SERVICES**

*Certified by the American Translators Association*

4708 OLDE FORGE CT., FAIRFAX, VA 22032  
TELEPHONE: 703-426-1422 · FAX: 703-426-2772 · DUNN6FAM@MSN.COM

Date: October 3<sup>rd</sup>, 2008

DECLARATION

The undersigned, Karin T. Dunn, hereby states that she is well acquainted with both the English and German languages and that the attached is a true translation to the best of her knowledge and ability of the German text of PCT/EP2007/054143, filed on 4/27/2007 and published on 11/15/2007 under No. WO 2007/128709 A2.

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

  
Karin T. Dunn

Translation of the pertinent portions of a **Notification of the Transmittal of the International Search Report and the Written Opinion of the International Search Authority or the Declaration (Rule 44.1 PCT)**, mailed on 11/30/2007

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant under Article 18. The report comprises a total of 3 pages. Copies of each prior art document cited in this report are also enclosed.

1. **Basis of the Report**

With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed.

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

The wording has been established as submitted by the applicant.

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

The wording has been established as submitted by the applicant.

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

Figure 1 will be published with the abstract, as proposed by the Authority, as the applicant failed to suggest a figure.

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

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

Box I      Basis of the opinion

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

**Box I Basis of the Opinion**

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed.

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

1. Statement

Novelty	Yes: Claims 1-55
	No: Claims

Inventive Step	Yes: Claims 1-55
	No: Claims

Industrial Applicability	Yes: Claims 1-55
	No: Claims:

2. Citations and Explanations  
**See attached sheet**

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

**Item V.**

Reference is made to the following documents:

- D1: EP 0 476 379 A (ROCKWELL INTERNATIONAL CORP [US]) 25 March 1992 (03/25/1992)
- D2: EP 0 363 228 A (ADVANCED GRAPHICS TECH [US]) 11 April 1990 (04/11/1990)
- D3: EP 0 453 847 A (BOBST SA [CH]) 30 October 1991 (10/30/1991)
- D4: DE 22 38 481 A1 (ZEUTHEN & AAGAARD AS) 14 February 1974 (02/14/1974)

- 1 Document D1 is viewed as the closest prior art. It discloses (references in parentheses refer to this document) a roller for a printing press comprising a device for generating an axial oscillating movement of the rotating roller of the printing press by means of a drive, wherein the drive comprises a pump device which places a working fluid under working pressure (implicit).

The object of claim 1 therefore differs from the known roller in that the pump device is situated inside the roller.

The object to be attained with the present invention can therefore be viewed as devising a roller which has a more compact device for generating an axial oscillating movement.

Documents D1 through D3 specify rollers wherein a part of the device for generating an axial oscillating movement is situated inside the roller. The pump device and the fluid supply unit are always located outside of the roller. In D4, a device for generating an axial oscillating movement is located inside the roller. This involves a purely mechanical device, rather a pump (and rather pneumatic means) [sic - Translator]. The solution proposed in claim 1 is not disclosed in or suggested by the prior art.

The object of claim 1 is therefore based upon an inventive step.

- 2.3 Claims 2-55 are dependent upon claim 1 and therefore also fulfill the requirements of the PCF with respect to novelty and an inventive step.

## Claims

1. Roller (01) for a printing press comprising a device for generating an axial oscillating movement of the rotating roller (01) of the printing press by means of a drive (11, 12, 14, 23), wherein the drive (11, 12, 14, 23) comprises a pump device (11) which places a working fluid under working pressure, characterized in that the pump device (11) is situated inside the roller (01).
2. Roller according to claim 1, characterized in that the drive (11, 12, 14, 23) comprises a drive wheel (12), which can be driven by the rotating roller (01).
3. Roller according to claim 2, characterized in that the drive wheel (12) is non-positively or positively connected to the rotating roller (01).
4. Roller according to claim 2 or 3, characterized in that the drive wheel (12) is functionally connected to a cylindrical roller shell (08) of the roller (01).
5. Roller according to one of claims 2 through 4, characterized in that the drive wheel (12) is situated inside the roller (01).
6. Roller according to any one of the preceding claims, characterized in that pressure chambers (17; 18) are provided, which act in opposite axial directions.
7. Roller according to claim 1, characterized in that the pump device (11) is driven by the rotation of the roller (01).

8. Roller according to claim 2, characterized in that the pump device (11) is connected to the drive wheel (12).
9. Roller according to claim 1, characterized in that the roller (01) has a cantilevered shaft (02).
10. Roller according to any one of the preceding claims, characterized in that the roller (01) has a cylindrical roller shell (08).
11. Roller according to claim 10, characterized in that the roller shell (08) is capable of rotating around a stationary shaft (02).
12. Roller according to claim 11, characterized in that the cylindrical roller shell (08) is mounted so as to be displaceable in a reciprocating fashion along the stationary shaft (02).
13. Roller according to claim 12, characterized in that a slide mechanism (04) is mounted on the stationary shaft (02) so as to be non-rotatable, but displaceable in an axial direction.
14. Roller according to claim 13, characterized in that the cylindrical roller shell (08) is rotatably mounted on the slide mechanism (04).
15. Roller according to claim 1, characterized in that the drive (11, 12, 14, 23) comprises a cylinder/piston assembly (14).
16. Roller according to claims 6 and 15, characterized in that the pressure chambers (17; 18) are formed by a dual-action cylinder (16) of the cylinder/piston assembly (14).

17. Roller according to claim 15, characterized in that the cylinder/piston assembly (14) is situated inside the roller (01).
18. Roller according to claims 13 and 15, characterized in that the cylinder/piston assembly (14) operates between the shaft (02) and the slide mechanism (04).
19. Roller according to claim 18, characterized in that the cylinder (16) of the cylinder/piston assembly (14) is connected to the stationary shaft (02), and the piston (19) of the cylinder/piston assembly (14) is connected to the slide mechanism (04).
20. Roller according to claim 1, characterized in that the pump device (11) has at least one pump (11).
21. Roller according to claim 20, characterized in that the pump (11) is configured as a piston pump having at least one piston (38).
22. Roller according to claim 21, characterized in that the piston pump is configured as an axial piston pump.
23. Roller according to claim 9, characterized in that the pump device (11) is positioned so as to be non-rotatable in relation to the stationary shaft (02).
24. Roller according to claims 9 and 20, characterized in that at least the pump (11) is positioned so as to be non-rotatable in relation to the stationary shaft (02).
25. Roller according to claim 23, characterized in that the pump device (11) is attached to the stationary shaft (02).

26. Roller according to claim 1, 6, and according to any one of claims 8 through 25, characterized in that working fluid can be supplied to the pressure chambers (17; 18) in an alternating fashion by means of the pump device (11).
27. Roller according to claim 1, characterized in that the drive (11, 12, 14, 23) has a switchover valve (23).
28. Roller according to claim 27, characterized in that the switchover valve (23) is configured for the alternating supply of working fluid to one or the other pressure chamber (17 or 18).
29. Roller according to claim 27, characterized in that the switchover valve (23) is situated inside the roller (01).
30. Roller according to claim 9 and 27, 28 or 29, characterized in that the switchover valve (23) is situated so as to be non-rotatable in relation to the stationary shaft (02).
31. Roller according to claim 10 and according to any one of claims 27 through 30, characterized in that the switchover valve (23) can be switched based upon a relative movement between the stationary shaft (02) and the roller shell (08).
32. Roller according to claims 6 and 27, characterized in that the switchover valve (23) can be switched based upon the pressure existing in the pressure chambers (17; 18).
33. Roller according to any one of claims 27 through 32, characterized in that the switchover valve (23) comprises a movable switching section (24), which can be switched by engaging with the slide mechanism (04) or with an actuating element connected to said

slide mechanism, or by engaging with the stationary shaft (02) or with an actuating element connected to said shaft.

34. Device according to any one of claims 9 and 27 through 33, characterized in that the switchover valve (23) is attached to the stationary shaft (02).
35. Roller according to any one of the preceding claims, characterized in that the working fluid is a hydraulic fluid.
36. Roller according to claim 35, characterized in that a reservoir (13) for hydraulic fluid is provided.
37. Roller according to claim 36, characterized in that the reservoir (13) is connected to the pump device (11) via the switchover valve (23).
38. Roller according to claim 36 or 37, characterized in that the reservoir (13) is situated inside the roller (01).
39. Roller according to claims 9 and 38, characterized in that the reservoir (13) is situated so as to be non-rotatable in relation to the stationary shaft (02).
40. Roller according to claim 36, characterized in that the reservoir (13) shares a housing with the pump (11) of the pump device (11).
41. Roller according to claim 39, characterized in that the reservoir (13) is attached to the stationary shaft (02).
42. Roller according to any one of the preceding claims, characterized in that the working

fluid is a gas.

43. Roller according to claim 42, characterized in that the working fluid is air.
44. Roller according to any one of the preceding claims, characterized in that the drive (11, 12, 14, 23) is situated inside the roller (01).
45. Roller according to any one of claims 6 through 44, characterized in that the working fluid can be supplied to the interior of the roller (01) via at least one bore hole in the stationary shaft (02).
46. Roller according to any one of the preceding claims, characterized in that the roller (01) is an oscillating roller (01).
47. Roller according to claim 46, characterized in that the roller (01) is an oscillating roller (01) of an inking or dampening unit of the printing press.
48. Roller according to claim 1, characterized in that the pump device (11) has a contact surface (39) which is tilted in relation to a vertical plane (41).
49. Roller according to claim 27, characterized in that the switchover valve (23) has a device which prevents a neutral position.
50. Roller according to claim 27 or 49, characterized in that the switchover valve (23) has a detent mechanism.
51. Roller according to claim 20 and claim 10, characterized in that the pump (11) is situated inside the roller shell (08).

52. Roller according to claim 51, characterized in that the pump (11), which is situated inside the roller shell (08), is driven from outside of the roller shell (08) in an exclusively non-positive fashion.
53. Roller according to claim 10, characterized in that the entire drive (11, 12, 14, 23) is situated completely inside the roller shell (08).
54. Roller according to claim 15, characterized in that the cylinder/piston assembly (14) the pump device (11) is situated so as to generate an oscillating movement in the axial direction of a longitudinal axis of the roller (01).
55. Roller according to claim 6 and claim 10, characterized in that the pressure chambers (17; 18) are situated inside the roller shell (08).



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/226,055	10/07/2008	Volker Gerold Rauh	W1.2681 PCT-US	4275

23294 7590 11/08/2010  
JONES, TULLAR & COOPER, P.C.  
P.O. BOX 2266 EADS STATION  
ARLINGTON, VA 22202

EXAMINER

HINZE, LEO T

ART UNIT	PAPER NUMBER
2854	

MAIL DATE	DELIVERY MODE
11/08/2010	PAPER

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

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



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

**In re Application of  
Volker Gerold RAUH**

**Application No.: 12/226,055  
Filed: 07 October 2008  
Attorney Docket No.: W1.2681 PCT-US  
For: ROLLER OF A PRINTING  
MACHINE COMPRISING A DEVICE  
FOR GENERATING AN AXIAL  
OSCILLATING MOVEMENT OF THE  
ROTATING ROLLER**

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

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed 06 October 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

#### Discussion

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

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

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

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

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

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

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

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



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



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

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

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

**Tasneem Siddiqui**  
For Mary Diggs (Supervisor)  
Decisions & Certificates of Correction Branch  
(703) 756-1593 or (703) 756-1814  
Date: 04/13/2012

Address: T. David Bomzer  
Day Pitney LLP  
7 Times Square  
New York, NY 10036-7311

/ts



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**NOV 28 2011**

**OFFICE OF PETITIONS**

**HESPOS & PORCO LLP**  
**110 West 40th Street**  
**Suite 2501**  
**NEW YORK NY 10018**

In re Application of :  
Oscar-Werner REIF et al. : **ON PETITION**  
Application No. 12/226,082 :  
Filed: October 6, 2008 :  
Atty. Docket No.: SM0627-US :

This is a decision on the petition under 37 CFR 1.137(b), filed November 3, 2011, and further supplemented on November 10, 2011, to revive the above-identified application.

The petition is **GRANTED**.

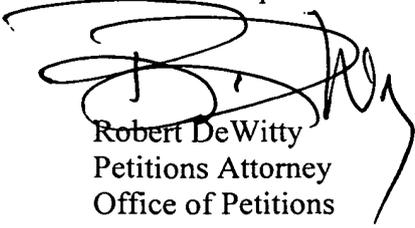
The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed October 27, 2010 (Office action), which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. The application became abandoned January 28, 2011. A Notice of Abandonment was mailed June 8, 2011.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of a response to the Office action mailed October 27, 2010, (2) a petition fee of \$1860, and (3) a statement of unintentional delay. The reply to the Office action is accepted as having been unintentionally delayed.

The instant petition requires a petition fee of \$1860. As petitioner has paid \$1620, the balance of \$240 will be charged to petitioner's deposit account 03-1030.

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 3788 for consideration of the filed Response.



Robert DeWitty  
Petitions Attorney  
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/226,104	10/08/2008	Ki-Ok Kwon	29137.383.00	5039
30827	7590	01/25/2011	EXAMINER	
MCKENNA LONG & ALDRIDGE LLP 1900 K STREET, NW WASHINGTON, DC 20006			FINEMAN, LEE A	
			ART UNIT	PAPER NUMBER
			2872	
			MAIL DATE	DELIVERY MODE
			01/25/2011	PAPER

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

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



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**MCKENNA LONG & ALDRIDGE LLP  
1900 K STREET, NW  
WASHINGTON DC 20006**

**In re Application of  
KWON et al.**

**Application No.: 12/226,104**

**Filed: 08 October 2008**

**Attorney Docket No.: 29137.383.00**

**For: IODINE-TYPE POLARIZER,  
POLARIZING PLATE AND METHOD  
FOR PRODUCING THEREOF**

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 17 December 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

**Discussion**

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

1. The U.S. application is
  - a. a Paris Convention application which either
    - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or
    - ii. validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims,or
  - b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
    - i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
    - ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
    - iii. contains no priority claim,or

- c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        - i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
        - ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
        - iii. contains no priority claim;
2. Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the KR application(s);
  - b. An English translation of the allowable/patentable claim(s), and
  - c. A statement that the English translation is accurate (if the claims were published in a language other than English);
3. Applicant must:
  - a. Ensure that all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KR application(s), and
  - b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
  - a. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
  - b. An English language translation of the KIPO office action; and
  - c. A statement that the English translation is accurate (if the office actions are not in the English language);
6. Applicant must submit:
  - a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and
  - b. Copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application);

This request to participate in the PPH program and petition is assessed as follows:

Requirements 1, 2, 4, 5, and 6 above are considered to have been met.

However the request to participate in the PPH program fails to meet requirement 3.

Regarding requirement 3, applicant as failed to ensure that all the claims in the U.S. application sufficiently correspond to the allowable/patentable claims in the KR application. For example only, claim 1 of the US application requires "improved cross transmittance" whereas claim 1 of the KIPO application requires "improved vertical transmittance." Claim 2, 4, and 10 also appear to differ in scope.

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies.

**NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

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

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



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



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/226,104	10/08/2008	Ki-Ok Kwon	29137.383.00	5039
30827	7590	04/21/2011	EXAMINER	
MCKENNA LONG & ALDRIDGE LLP 1900 K STREET, NW WASHINGTON, DC 20006			FINEMAN, LEE A	
			ART UNIT	PAPER NUMBER
			2872	
			MAIL DATE	DELIVERY MODE
			04/21/2011	PAPER

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

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



**MCKENNA LONG & ALDRIDGE LLP  
1900 K STREET, NW  
WASHINGTON DC 20006**

**In re Application of  
KWON et al.  
Application No.: 12/226,104  
Filed: 08 October 2008  
Attorney Docket No.: 29137.383.00  
For: IODINE-TYPE POLARIZER,  
POLARIZING PLATE AND METHOD  
FOR PRODUCING THEREOF**

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 17 December 2010 and renewed 24 February 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

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

1. The U.S. application is
  - a. a Paris Convention application which either
    - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or
    - ii. validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims,or
  - b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
    - i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
    - ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
    - iii. contains no priority claim,or
  - c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application

- i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
    - ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
    - iii. contains no priority claim;
2. Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the KR application(s);
  - b. An English translation of the allowable/patentable claim(s), and
  - c. A statement that the English translation is accurate (if the claims were published in a language other than English);
3. Applicant must:
  - a. Ensure that all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KR application(s), and
  - b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
  - a. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
  - b. An English language translation of the KIPO office action; and
  - c. A statement that the English translation is accurate (if the office actions are not in the English language);
6. Applicant must submit:
  - a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and
  - b. Copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application);

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

Any response must be submitted via EFS-Web.

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

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



Lee W. Young

TQAS

Technology Center 2800 – Semiconductors  
Electrical & Optical Systems & Components



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

**MAILED**

APR 19 2011

In re Application of : DECISION ON  
Mayers et al : PCT LEGAL ADMINISTRATION  
Application No.: 12/226,121 :  
PCT No.: PCT/US2007/008797 :  
Int. Filing Date: 10 April 2007 : PETITION UNDER  
Priority Date: 11 April 2006 :  
Attorney Docket No.: MO925.70163US01 :  
For: FOULING RESISTANT MEMBRANES... :  
GRAFT COPOLYMERS : 37 CFR 1.182

This decision is in response to applicants' "Renewed Petition Under 37 CFR 1.182" filed on 10 February 2010.

**BACKGROUND**

In a decision from this Office on 22 January 2010, the decision indicated that the application could not enter into national stage at that time because item (2) under MPEP §605/04(c) was not met.

On 10 February 2010, this renewed petition was filed that included an affidavit in support of the name change from Ayse Asatekin to **Ayse Asatekin Alexiou**.

**DISCUSSION**

MPEP § 605.04(c) requires in instances where an inventor has changed his or her name after the application has been filed to submit a petition under 37 CFR 1.182. The petition must include (1) the appropriate petition fee and (2) an affidavit signed with both names setting forth the procedure whereby the change of name was effected, or a certified copy of the court order.

With respect to item (1), the petition fee has been paid.

With respect to item (2), petitioner has provided with the renewed petition an affidavit from **Ayse Asatekin Alexiou** explaining her named changed from Ayse Asatekin (maiden name) to **Ayse Asatekin Alexiou** (married named), and sets forth the procedure whereby the change of name was effected. She has also signed the affidavit under both names. Therefore, item (2) has been satisfied, and her correct name is **Ayse Asatekin Alexiou**.

For the reasons above, the application may enter into national stage processing at this time.

**CONCLUSION**

The petition under 37 CFR 1.182 is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing.



Rafael Bacares

PCT Legal Examiner

PCT Legal Office

Telephone: (571) 272-3276

Facsimile: (571) 272-0459



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United States Patent and Trademark Office  
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Alexandria, VA 22313-1450  
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Date Mailed : 04/09/12

Patent No. : 8106227 B2  
Inventor : **Chen , et al.**  
Patent Issued : **January 31, 2012**  
Docket No. : **2008\_1514A**

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.

Inspection of the file of the application for the patent reveals that in the Title Page, item (73) is printed in accordance with the record (no fee or authorization to charge fee). **“Therefore, no correction(s) is in order here under United States Codes (U.S.C.) 254 and the Code of Federal Regulation (C.F.R.) 1322.”**

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

A handwritten signature in cursive script, appearing to read "Lamonte M. Newsome".

Lamonte M. Newsome  
For Mary Diggs, Supervisor  
Decisions & Certificates  
Of Correction Branch  
(571) 272-3421 or (703)756-1580

**WENDEROTH, LIND & PONACK, L.L.P.**  
**1030 15th Street, N.W.,**  
**Suite 400 East**  
**Washington DC 20005-1503**

Lmn



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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.
12/226,216	04/24/2009	Se-Hawn Son	29137.388.00	6228
30827	7590	01/13/2011	EXAMINER	
MCKENNA LONG & ALDRIDGE LLP 1900 K STREET, NW WASHINGTON, DC 20006			MACCHIAROLO, PETER J	
			ART UNIT	PAPER NUMBER
			2879	
			MAIL DATE	DELIVERY MODE
			01/13/2011	PAPER

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

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



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**MCKENNA LONG & ALDRIDGE LLP  
1900 K STREET, NW  
WASHINGTON DC 20006**

**In re Application of  
SON et al.**

**Application No.: 12/226,216**

**Filed: 24 April 2009**

**Attorney Docket No.: 29137.388.00**

**For: ORGANIC LIGHT EMITTING  
DIODE UNIT AND METHOD FOR  
MANUFACTURING THE SAME**

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 13 December 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

**Discussion**

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

1. The U.S. application is
  - a. a Paris Convention application which either
    - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or
    - ii. validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims,or
  - b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
    - i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
    - ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
    - iii. contains no priority claim,or

- c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
  - i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
  - ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
  - iii. contains no priority claim;
- 2. Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the KR application(s);
  - b. An English translation of the allowable/patentable claim(s), and
  - c. A statement that the English translation is accurate (if the claims were published in a language other than English);
- 3. Applicant must:
  - a. Ensure that all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KR application(s), and
  - b. Submit a claims correspondence table in English;
- 4. Examination of the U.S. application has not begun;
- 5. Applicant must submit:
  - a. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
  - b. An English language translation of the KIPO office action; and
  - c. A statement that the English translation is accurate (if the office actions are not in the English language);
- 6. Applicant must submit:
  - a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and
  - b. Copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application);

This request to participate in the PPH program and petition is assessed as follows:

Requirements 1, 2, 4, and 6 above are considered to have been met.

However the request to participate in the PPH program fails to meet requirements 3 and 5.

Regarding requirement 3, Applicant as failed to ensure that all the claims in the U.S. application sufficiently correspond to the allowable/patentable claims in the KR application. Specifically, claims 18 and 22 of the US application do not correspond to allowable/patentable claims in the KR application. US claims 18 and 22 are indicated as corresponding to KIPO claim 19 but KIPO claim 19 was cancelled. It appears that US claims 18 and 22 should have drafted to correspond to KIPO claim 18.

Regarding requirement 5, the translation statements for the Notice of Allowance and the Notice of Office Action indicate such were filed May 4, 2007. Neither the Notice of Allowance nor the Notice of Office Action are dated May 4, 2007.

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) with the Document Code PPH.PET.652. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

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

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

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



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/226,216	04/24/2009	Se-Hawn Son	29137.388.00	6228

30827 7590 04/26/2011  
MCKENNA LONG & ALDRIDGE LLP  
1900 K STREET, NW  
WASHINGTON, DC 20006

EXAMINER

MACCHIAROLO, PETER J

ART UNIT	PAPER NUMBER
2879	

MAIL DATE	DELIVERY MODE
04/26/2011	PAPER

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

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**MCKENNA LONG & ALDRIDGE LLP**  
1900 K STREET, NW  
WASHINGTON DC 20006

**In re Application of  
SON et al.**

**Application No.: 12/226,216**

**Filed: 24 April 2009**

**Attorney Docket No.: 29137.388.00**

**For: ORGANIC LIGHT EMITTING  
DIODE UNIT AND METHOD FOR  
MANUFACTURING THE SAME**

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 13 December 2010 and renewed 11 February 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

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

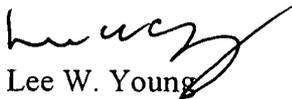
1. The U.S. application is
  - a. a Paris Convention application which either
    - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or
    - ii. validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims,or
  - b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
    - i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
    - ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
    - iii. contains no priority claim,or
  - c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application

- i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
    - ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
    - iii. contains no priority claim;
2. Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the KR application(s);
  - b. An English translation of the allowable/patentable claim(s), and
  - c. A statement that the English translation is accurate (if the claims were published in a language other than English);
3. Applicant must:
  - a. Ensure that all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KR application(s), and
  - b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
  - a. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
  - b. An English language translation of the KIPO office action; and
  - c. A statement that the English translation is accurate (if the office actions are not in the English language);
6. Applicant must submit:
  - a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and
  - b. Copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application);

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

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

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



Lee W. Young  
TQAS

Technology Center 2800 – Semiconductors  
Electrical & Optical Systems & Components



30 SEP 2010

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Washington, D.C. 20231  
www.uspto.gov

Nixon & Vanderhye, PC  
901 North Glebe Road, 11<sup>th</sup> Floor  
Arlington, VA 22203

In re Application of :  
OSBORNE, et al. : DECISION ON PETITION  
Serial No.: 12/226,267 :  
PCT No.: PCT/GB2007/001170 : UNDER 37 CFR 1.47(a)  
Int. Filing Date: 30 March 2007 :  
Priority Date: 11 April 2006 :  
Atty Docket No.: MNL-4851-23 :  
For: INFORMATION EXTRACTION METHODS AND:  
APPARATUS INCLUDING A COMPUTER-USER:  
INTERFACE :

This decision is in response to applicant's renewed petition under 37 CFR 1.47(a) filed 28 July 2010 to accept the application without the signatures of joint inventors Brian Osborne and David Michael Rubin.

### BACKGROUND

On 04 May 2010, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47. Applicant was afforded two months to file any request for reconsideration and advised that this period could be extended pursuant to 37 CFR 1.136(a).

On 28 July 2010, applicant filed the present renewed petition under 37 CFR 1.47(a) accompanied by a petition for a one-month extension of time. With payment of the one-month extension of time, applicant's present response is considered timely filed.

### DISCUSSION

As detailed in the decision mailed 04 May 2010, a petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant previously satisfied all four items as to inventor Osborne and items 1, 3 and 4 regarding inventor Rubin.

Applicant's currently filed renewed petition is accompanied by a compliant declaration executed by inventor Rubin. As such, the renewed petition is moot as to inventor Rubin and can be properly granted as to inventor Osborne.

**CONCLUSION**

For the reasons stated above, applicant's renewed petition under 37 CFR 1.47(a) is **GRANTED**.

The application has an international filing date of 30 March 2007 under 35 U.S.C. 363, and will be given a date of **28 July 2010** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record. A notice of the filing of the application under 37 CFR 1.47(b) will be published in the Official Gazette.

This application is being returned to the DO/EO/US for processing in accordance with this decision.



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



UNITED STATES PATENT AND TRADEMARK OFFICE

30 SEP 2010

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

Dr. Brian Osborne  
30 Ackerman Place  
Nyack, NY 10960

in re Application of  
OSBORNE, et al.  
Serial No.: 12/226,267  
PCT No.: PCT/GB2007/001170  
Int. Filing Date: 30 March 2007  
Priority Date: 11 April 2006  
Atty Docket No.: MNL-4851-23  
For: INFORMATION EXTRACTION METHODS AND  
APPARATUS INCLUDING A COMPUTER-USER  
INTERFACE

Dear Dr. Osborne:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor. As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternately, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, the law firm of record (see below) would presumably assist you. Joining in the application would entail the filing of the appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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

Counsel of Record:  
Nixon & Vanderhuy, PC  
901 North Glebe Road, 11<sup>th</sup> Floor  
Arlington, VA 22203



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**MAILED**

NOV 02 2010

**OFFICE OF PETITIONS**

**FINNEGAN, HENDERSON, FARABOW, GARRETT &  
DUNNER, LLP  
901 NEW YORK AVENUE, NW  
WASHINGTON DC 20001-4413**

In re Application of	:	
Duraiswamy et al.	:	DECISION ON PETITION
Application No. 12/226,271	:	TO WITHDRAW
Filed: October 14, 2008	:	FROM RECORD
Attorney Docket No. 09959.0002	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed on September 30, 2010.

The request is **NOT APPROVED**.

The Office no longer accepts address changes to a new practitioner or law firm filed with requests under 37 C.F.R. § 1.36(b). 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.*

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 lacks all of the above certifications. Any subsequent request must make all of the required certifications and must provide a correct change of correspondence address.

There is an outstanding Office action mailed August 3, 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



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

D. PETER HOCHBERG CO. L.P.A.  
1940 EAST 6TH STREET  
CLEVELAND OH 44114

**MAILED**

**JUL 18 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Susan Mirow : **DECISION ON PETITION**  
Application No. 12/226,285 : **TO WITHDRAW**  
Filed: October 14, 2008 : **FROM RECORD**  
Attorney Docket No. **XX0987US (#90683)** :

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed July 6, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because the attorney cannot withdraw attorneys' by Customer Number when the power of attorney was originally granted individually in the Declaration and Power of Attorney filed November 18, 2009.

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

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

/JoAnne Burke/  
JoAnne Burke  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
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D. PETER HOCHBERG CO. L.P.A.  
1940 EAST 6TH STREET  
CLEVELAND OH 44114

**MAILED**

**JUL 22 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Susan Mirow :  
Application No. 12/226,285 :  
Filed: October 14, 2008 :  
Attorney Docket No. **XX0987US (#90683)** :

DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD

This is a corrected decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed July 6, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 D. Peter Hochberg on behalf of all attorneys of record who are associated with the above-identified application.

All attorneys/agents associated with the above identified application have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and all future correspondence will be directed to the first named inventor Susan Mirow, Ph.D., M.D. at the address indicated below.

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

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

/JoAnne Burke/  
JoAnne Burke  
Petitions Examiner  
Office of Petitions

cc: Susan Mirow, PH.D. M.D.  
73 G Street  
Salt Lake City, Utah 84103



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/226,285	10/14/2008	Susan Mirow	XX0987US (#90683)

**CONFIRMATION NO. 6969**

28672  
D. PETER HOCHBERG CO. L.P.A.  
1940 EAST 6TH STREET  
CLEVELAND, OH 44114

**POWER OF ATTORNEY NOTICE**



Date Mailed: 07/22/2011

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 07/06/2011.

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

/jlburke/

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



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COLIN P. ABRAHAMS  
5850 CANOGA AVENUE  
SUITE 400  
WOODLAND HILLS, CA 91367

**MAILED**

SEP 23 2011

OFFICE OF PETITIONS

In re Application of :  
Grigory Veinberg, et. al. :  
Application No. 12/226,332 :  
Filed: December 29, 2008 :  
Attorney Docket No. 1424-101.US :

ON PETITION

This is a decision on the "REQUEST FOR REINSTATEMENT," filed August 1, 2011, which is being treated as a petition under 37 CFR 1.181 (no fee), to withdraw the holding of abandonment in the above-identified application.

A review of the record shows that a non-final Office action was mailed on January 3, 2011, which set a shortened statutory period for reply of three (3) months. In response, an amendment and request for three month extension of time was received on July 11, 2011. It is noted that the amendment contains a reference to the extension of time and was accompanied by a Certificate of Mailing under 37 CFR 1.8, dated for July 5, 2011.

Since July 3, 2011, fell on a Sunday and the next succeeding business day was a Holiday (July 4, 2011), petitioner had until Tuesday, July 5, 2011, to file a response to the Office action mailed January 3, 2011. Therefore, since petitioner timely filed a reply within the three month extendable period from the mail date of the Office action, this application is considered not abandoned.

In view of the above, the petition is granted.

This application file is being referred to Technology Center Art Unit 1622 for review of the response received on July 11, 2011.

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

  
Andrea Smith  
Petitions Examiner  
Office of Petitions



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P.O. Box 1450  
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[www.uspto.gov](http://www.uspto.gov)

Decision Date : May 5,2011

In re Application of :

Andreas Kempfte

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12226377

Filed : 16-Oct-2008

Attorney Docket No : 2006P00655WOUS

This is an electronic 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 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 3632 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

Electronic Petition Request	<b>PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)</b>
Application Number	12226377
Filing Date	16-Oct-2008
First Named Inventor	Andreas Kemppte
Art Unit	3632
Examiner Name	RAMON RAMIREZ
Attorney Docket Number	2006P00655WOUS
Title	SYSTEM FOR SECURING FURNITURE AND IMPLEMENTS THAT RISK TILTING

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	/Andre Pallapies/
Name	Andre Pallapies
Registration Number	62246



## 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](http://www.uspto.gov)

Decision Date : March 23, 2012

In re Application of :

Satoshi Ejima

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12226415

Filed : 17-Nov-2008

Attorney Docket No : 138879

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed March 23, 2012 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **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 2622 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

Electronic Petition Request	<b>PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)</b>
Application Number	12226415
Filing Date	17-Nov-2008
First Named Inventor	Satoshi Ejima
Art Unit	2622
Examiner Name	KENT WANG
Attorney Docket Number	138879
Title	IMAGE PLAYBACK DEVICE, CAMERA AND IMAGE PLAYBACK SYSTEM

An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).

A grantable petition requires the following items:

- (1) Petition fee; and
- (2) One of the following reasons:
  - (a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;
  - (b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or
  - (c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).

**Petition Fee**

- Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).
- Applicant(s) status remains as SMALL ENTITY.
- Applicant(s) status remains as other than SMALL ENTITY

Reason for withdrawal from issue

- One or more claims are unpatentable
- Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- I certify, in accordance with 37 CFR 1.4(d)(4) that :
- The RCE request ,submission, and fee have already been filed in the above-identified application on
  - Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

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

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

Signature	/Christopher W. Brown/
Name	Christopher W. Brown
Registration Number	38025



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/226,493	10/20/2008	Alexander Vainstein	44784	9515

67801 7590 04/04/2012  
MARTIN D. MOYNIHAN d/b/a PRTSI, INC.  
P.O. BOX 16446  
ARLINGTON, VA 22215

EXAMINER
----------

VISONE, LEE A

ART UNIT	PAPER NUMBER
1638	

MAIL DATE	DELIVERY MODE
04/04/2012	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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April 3, 2012

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

Re Application of  
VAINSTEIN, ALEXANDER, ET AL

Application: 12/226493

Filed: 10/20/2008

Attorney Docket No: 44784

: 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) October 20, 2008.

The petition is **GRANTED**.

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

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

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

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

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

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



03 AUG 2010

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KANESAKA BERNER AND PARTNERS LLP  
1700 DIAGONAL RD  
SUITE 310  
ALEXANDRIA VA 22314-2848

In re Application of : DECISION ON  
Mikio NEZU. :  
Application No.: 12/226,521 :  
PCT No.: PCT/JP2007/051417 :  
Filing Date: 29 January 2007 : PETITION UNDER  
Priority Date: 20 April 2006 :  
Attorney's Docket No.: NIF-155 :  
For: SELF-PROPELLED... AND SPACER DEVICE : 37 CFR 1.137(b)

This decision is in response to applicant's "PETITION FOR REVIVAL AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)," filed on 21 October 2008.

**BACKGROUND**

On 29 January 2007, this international application was filed, claiming an earliest priority date of 20 April 2006.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 20 October 2008. This international application became abandoned with respect to the United States at midnight on 20 October 2008 for failure to pay the required basic national fee.

On 21 October 2008, applicant filed in the United States Patent and Trademark Office (PTO) a transmittal letter for entry into the national stage in the U.S. under 35 U.S.C. 371, which was accompanied by, *inter alia*, the national basic fee, petition fee, and a petition under 37 CFR 1.137(b).

**DISCUSSION**

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

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

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

**DECISION**

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

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing.



Rafael Bacares

PCT Legal Examiner

PCT Legal Office

Telephone: (571) 272-3276

Facsimile: (571) 273-0459



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/226,522	10/21/2008	Kenichi Tsujimoto	138914	9678
25944	7590	02/10/2011	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850			TRAN, BINH Q	
			ART UNIT	PAPER NUMBER
			3748	
			NOTIFICATION DATE	DELIVERY MODE
			02/10/2011	ELECTRONIC

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

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

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

OfficeAction25944@oliff.com  
jarmstrong@oliff.com



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

In re Application of	:	
TSUJIMOTO, KENICHI et al	:	DECISION ON REQUEST TO
Application No. 12/226,522	:	PARTICIPATE IN PATENT
Filed: Oct. 21, 2008	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 138914	:	PROGRAM AND PETITION
For: EXHAUST PURIFICATION DEVICE OF	:	37 CFR 1.102(a)
INTERNAL COMBUSTION ENGINE	:	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed Feb. 7, 2011, to make the above-identified application special.

The request and petition are granted.

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

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

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

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

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. All other inquiries concerning the examination or status of the application should be directed to Thomas Denion, SPE of Art Unit 3748, and 571-272-4859 for Class 60/301 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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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
12/226,566 12/03/2008 Rakesh Ratnam 29760U 1490

7590 08/11/2010
THE NATH LAW GROUP
112 South West Street
Alexandria, VA 22314

EXAMINER
HENRY, MICHAEL C

ART UNIT PAPER NUMBER
1623

MAIL DATE DELIVERY MODE
08/11/2010 PAPER

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

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

The petition is dismissed.

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

- 1. The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Betty Powell

Patent Publication Branch
Office of Data Management



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

**MAILED**

NOV 14 2011

In re Application of : OFFICE OF PETITIONS  
Ferdinando Petrucci et al :  
Application No. 12/226,637 :  
Filed: September 18, 2009 : DECISION ON PETITION  
Attorney Docket No. **NGB 3.3-001** : 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 October 31, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because the requested change in the correspondence address is improper.

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

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

Therefore, as there is currently no Statement under 37 CFR 3.73(b) with the current assignee information of record in the instant application, the Office cannot change the correspondence address to the address on the Request to Withdraw at this present time.

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

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

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

**MAILED**

**FEB 27 2012**

In re Application of :  
Ferdinando Petrucci et al :  
Application No. 12/226,637 :  
Filed: September 18, 2009 :  
Attorney Docket No. NGB 3.3-001 :

**OFFICE OF PETITIONS**  
**DECISION ON PETITION**  
**TO WITHDRAW**  
**FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 9, 2012.

The request is **APPROVED**.

The request was signed by Harvey L. Cohen on behalf of the practitioners of record associated with Customer Number 00530.

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

All future correspondence will be directed to inventor Ferdinando Petrucci 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: Ferdinando Petrucci  
Via Stazione 133/A  
Arce (fr) 03032 IT



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/226,637	09/18/2009	Ferdinando Petrucci	NGB 3.3-001

**CONFIRMATION NO. 2279**

**POWER OF ATTORNEY NOTICE**



OC000000052679769

530  
LERNER, DAVID, LITTENBERG,  
KRUMHOLZ & MENTLIK  
600 SOUTH AVENUE WEST  
WESTFIELD, NJ 07090

Date Mailed: 02/21/2012

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 02/09/2012.

- 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.

/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
12/226,637	09/18/2009	Ferdinando Petrucci	NGB 3.3-001

Ferdinando Petrucci  
Via Stazione 133/A  
Arce (fr), 03032  
ITALY

**CONFIRMATION NO. 2279**  
**POA ACCEPTANCE LETTER**



Date Mailed: 02/21/2012

**NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 02/09/2012.

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.

/i dingle/

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



**MAILED**

**OCT 27 2010**

**PCT LEGAL ADMINISTRATION**

DOCKET CLERK  
P.O. DRAWER 800889  
DALLAS TX 75380

In re Application of :  
HU, et al. : DECISION ON PETITION  
Serial No.: 12/226,647 :  
PCT No.: PCT/IB2007/051407 : UNDER 37 CFR 1.47(a)  
Int. Filing Date: 19 April 2007 :  
Priority Date: 28 April 2006 :  
Atty Docket No.: SHIX-005809US :  
For: SOFTWARE DEFINED RADIO DEVICE AND :  
CONFIGURATION METHOD OF THE SAME :

This decision is in response to applicant's second renewed petition under 37 CFR 1.47(a) filed 16 August 2010 in the United States Patent and Trademark Office (USPTO) to accept the application without the signature of co-inventor Liangliang Hu.

**BACKGROUND**

On 10 May 2010, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47(a). Applicant was afforded two months to file any request for reconsideration.

On 16 August 2010, applicant filed the present renewed petition under 37 CFR 1.47(a) accompanied by a petition for a one-month extension of time and certification under 37 CFR 1.8 that the response was deposited for mailing on 10 August 2010. The response is timely filed.

**DISCUSSION**

As detailed in the decision mailed 10 May 2010, a petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant previously satisfied items 1, 3 and 4.

With the filing of the renewed petition and supporting exhibits, applicant has satisfied the remaining item showing that despite a diligent effort the non-signing inventor cannot be located. As such, it is proper to grant applicant's renewed petition at this time.

**CONCLUSION**

For the reasons discussed above, applicant's renewed petition under 37 CFR 1.47(a) is **GRANTED**.

The application has an international filing date of 19 April 2007 under 35 U.S.C. 363, and will be given a date of **08 January 2010** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the non-signing inventors at their last known addresses of record. A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the DO/EO/US for processing in accordance with this decision.



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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mr. Liangliang Hu  
280# Nanyangjing Road  
Shanghai, People's Republic of China  
200135

**MAILED**

**OCT 27 2010**

**PCT LEGAL ADMINISTRATION**

In re Application of  
HU, et al.

Serial No.: 12/226,647

PCT No.: PCT/IB2007/051407

Int. Filing Date: 19 April 2007

Priority Date: 28 April 2006

Atty Docket No.: SHIX-005809US

For: SOFTWARE DEFINED RADIO DEVICE AND  
CONFIGURATION METHOD OF THE SAME

Dear Mr. Hu:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor. As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternately, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, the law firm of record (see below) would presumably assist you. Joining in the application would entail the filing of the appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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

Counsel of record:  
Munck Carter, LLP  
P.O. Box 802432  
Dallas, Texas 75380  
United States of America



## UNITED STATES PATENT AND TRADEMARK OFFICE

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[www.uspto.gov](http://www.uspto.gov)

Decision Date : May 19,2011  
In re Application of :  
Lars Montelius  
Application No : 12226658  
Filed : 16-Jul-2009  
Attorney Docket No : 10676.0016

DECISION ON PETITION  
UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed May 19,2011 , 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

Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)
Application Number	12226658
Filing Date	16-Jul-2009
First Named Inventor	Lars Montelius
Art Unit	2856
Examiner Name	JACQUES SAINT SURIN
Attorney Docket Number	10676.0016
Title	ARRANGEMENT FOR DETECTING RESONANCE FREQUENCY SHIFTS

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	/Marcus Kretzschmar/
Name	Marcus Kretzschmar
Registration Number	63815

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Brett Graham Crockett	Group Art Unit: 2614
Application No.:	12/226,698	Examiner: Vivian C. Chin
Filing Date:	01-19-2009	Confirmation No.: 7024
Title:	Audio Gain Control Using Specific-Loudness-Based Auditory Event Detection	Attorneys' Docket: DOL186US

September 28, 2010

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

**Petition for Advancement of Examination**

This is a petition under 37 CFR §1.102.

Special status for examination of the above-identified application is being requested under the Project Exchange/Patent Application Backlog Reduction Stimulus Plan. In particular, this is a petition that the above-identified application be advanced out of turn for examination under the Project Exchange/Patent Application Backlog Reduction Stimulus Plan in accordance with the requirements set forth at 75 CFR 121 at 36063 (June 24, 2010) and 74 CFR 227 at 62285 (November 27, 2009). The basis under which special status is being sought is the express abandonment of another copending application (identified below). Applicant has not filed petitions in more than fourteen other applications requesting special status under the Project Exchange/Patent Application Backlog Reduction Stimulus Plan.

The present application is a nonprovisional application that has an actual filing date earlier than October 1, 2009.

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, namely Application S.N. 12/309,342, filed 09/02/2009.

The present application for which special status is sought and the other copending nonprovisional application were owned by the same party as of October 1, 2009, namely Dolby Laboratories Licensing Corporation.

Applicant is concurrently filing a letter of express abandonment under 37 CFR 1.138(a) in the above-identified copending nonprovisional application before it has been taken up for examination. Applicant is not and will not use the express abandonment of said S.N. 12/309,342 application to form the basis for more than one petition under 37 CFR 1.102. A copy of the letter of the express abandonment accompanies this petition. Applicant is including the following statements in the letter of express abandonment:

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

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

Applicant understands that the requirement for a fee to consider a petition to make special for applications pertaining to Project Exchange/Patent Application Backlog Reduction Stimulus Plan has been waived by the U.S. Patent and Trademark Office.

Respectfully submitted,

/Thomas A. Gallagher/  
Thomas A. Gallagher  
Attorney-of-Record  
Reg. No. 24,815

415-989-5430

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Wenyu Jiang	Group Art Unit: 2431
Application No.:	12/309,342	Examiner:
Filing Date:	09-02-09	Confirmation No.: 7609
Title:	Codec-independent encryption of material that represents stimuli intended for human perception	Attorneys' Docket: DOL18801US

September 28, 2010

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

**Express Abandonment**

This is a petition under 37 CFR §1.138.

Applicant requests that the above-identified application be expressly abandoned as of the filing date of this paper. This Express Abandonment is being filed concurrently with a petition under 37 CFR 1.102 requesting that applicant's copending application S.N. 12/226,698, filed 01-19-2009 be accorded special status under the Project Exchange/Patent Application Backlog Reduction Stimulus Plan.

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.

Applicant agrees not to request a refund of any fees paid in this expressly abandoned application.

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

Respectfully submitted,

/Thomas A. Gallagher/  
Thomas A. Gallagher  
Attorney-of-Record  
Reg. No. 24,815

415-989-5430

COPY



**MAILED**

**NOV 01 2010**

**OFFICE OF PETITIONS**

Dolby Laboratories Inc.  
999 Brannan Street  
San Francisco CA 94103

In re Application of	:	
CROCKETT, et al.	:	DECISION ON PETITION
Application No. 12/226,698	:	TO MAKE SPECIAL
Filed: January 19, 2009	:	37 CFR 1.102
Attorney Docket No. <b>DOL186 US</b>	:	

This is a decision on the petition under 37 CFR 1.102, filed September 28, 2010, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009) and 75 Federal register Notice 36063 (June 24, 2010).

The petition is **GRANTED**.

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

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

- (1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009;
- (2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;
- (3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;
- (4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and
  - a) include a statement that the applicant has not and will not file a new application that claims the same invention claimed in the expressly abandoned application;
  - b) includes with the letter of express abandonment a statement that the applicant has not and will not file an application that claims the benefit of the

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

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

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

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

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

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

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

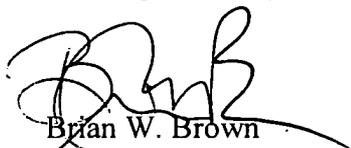
The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

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

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

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

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

  
Brian W. Brown  
Petitions Examiner  
Office of Petitions



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CLARK & BRODY  
1700 DIAGONAL ROAD, SUITE 510  
ALEXANDRIA, VA 22314

**MAILED**  
**MAR 31 2011**  
**OFFICE OF PETITIONS**

Applicant: Persat, et al.  
Appl. No.: 12/226,744  
International Filing Date: April 27, 2007  
Title: NOVEL POLYPEPTIDES INDUCING DENDRITIC CELL MIGRATION, AS WELL AS MEDICINES AND PHARMACEUTICAL COMPOSITIONS CONTAINING SAME  
Attorney Docket No.: 71247-0100  
Pub. No.: 2010/0160219 A1  
Pub. Date: June 24, 2010

This is a decision on the request for correction of patent application publication under 37 CFR 1.221(b), received on August 23, 2010, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material error on the front page of the publication wherein the foreign application priority data listed as "DE 10 2006 019 178.1" be correct to "FR 0603824", and that the address for inventor Claude Vincent "Lyon, France" be corrected to "Lyon France".

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.<sup>1</sup>

The error in the foreign priority data and in the address 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 error in the foreign priority data and the address 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.

<sup>1</sup>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 No. 12/226,744

On March 17, 2010, a Filing Receipt was mailed by the Office, which incorrectly listed the foreign priority data and the address. To avoid this type of problem in the future, applicant's representative should correct the error, if applicable and make a request for a corrected filing receipt prior to export of the application to the publisher and publication of the application.

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

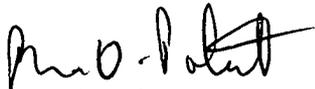
A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

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

[http://www.uspto.gov/ebc/portal/efs/pgpub\\_quickstart.pdf](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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/226,773	10/28/2008	Yeon Keun Lee	29137.384.00	3545

30827 7590 01/24/2011  
MCKENNA LONG & ALDRIDGE LLP  
1900 K STREET, NW  
WASHINGTON, DC 20006

EXAMINER
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DESAI, ANISH P

ART UNIT	PAPER NUMBER
1788	

MAIL DATE	DELIVERY MODE
01/24/2011	PAPER

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

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



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BC

January 24, 2011

In re application of : DECISION ON REQUEST TO  
Yeon Keun Lee et al. : PARTICIPATE IN PATENT  
Serial No. 12/226,773 : PROSECUTION HIGHWAY  
Filed: October 28, 2008 : PROGRAM AND  
For: PDP FILTER FOR ABSORBING NEAR : PETITION TO MAKE SPECIAL  
INFRARED RAY : UNDER 37 CFR 1.102(a)

This is a decision on the request for reconsideration to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a) to make the above-identified application special filed December 13, 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 KIPO, note where the KIPO 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 KIPO application with similar claims and the KIPO priority application;
- (2) Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the KIPO 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 KIPO 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 copy of:
  - a. All of the Office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) that are the basis for the request;

Application No. 12/226,773

- b. An English language translation of the KIPO Office actions from (5)(a) above;  
and
- c. A statement that the English translation is accurate; and

(6) Applicant must submit:

- a. An IDS listing the documents cited by the KIPO examiner in the KIPO 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/

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Blaine Copenheaver  
Quality Assurance Specialist  
Technology Center 1700



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UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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12/226,919	10/31/2008	Hyeon Choi	29137.392.00	1033
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30827 7590 01/25/2011  
MCKENNA LONG & ALDRIDGE LLP  
1900 K STREET, NW  
WASHINGTON, DC 20006

EXAMINER
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WALFORD, NATALIE K

ART UNIT	PAPER NUMBER
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2879

MAIL DATE	DELIVERY MODE
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01/25/2011 PAPER

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



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**MCKENNA LONG & ALDRIDGE LLP**  
**1900 K STREET, NW**  
**WASHINGTON DC 20006**

**In re Application of**

**CHOI et al**

**Application No.: 12/226,919**

**Filed: 31 October 2008**

**Attorney Docket No.: 29137.392.00**

**For: ORGANIC LIGHT EMITTING  
DEVICE AND METHOD FOR  
MANUFACTURING THE SAME**

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 16 December 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

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

1. The U.S. application is
  - a. a Paris Convention application which either
    - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or
    - ii. validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims,or
  - b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
    - i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
    - ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
    - iii. contains no priority claim,or
  - c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application

- i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
    - ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
    - iii. contains no priority claim;
2. Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the KR application(s);
  - b. An English translation of the allowable/patentable claim(s), and
  - c. A statement that the English translation is accurate (if the claims were published in a language other than English);
3. Applicant must:
  - a. Ensure that all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KR application(s), and
  - b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
  - a. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
  - b. An English language translation of the KIPO office action; and
  - c. A statement that the English translation is accurate (if the office actions are not in the English language);
6. Applicant must submit:
  - a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and
  - b. Copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application);

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

Any response must be submitted via EFS-Web.

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

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

  
Lee W. Young  
TQAS  
Technology Center 2800



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FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER LLP  
901 NEW YORK AVENUE, NW  
WASHINGTON, DC 20001-4413

**MAILED**

**JUN 10 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Cristofani et al. :  
Application No. 12/226,975 :  
Filed: November 3, 2008 :  
Attorney Docket No. 07040.0348 :

**DECISION ON PETITION**

This is a decision on the "Request for Correction of Patent Term Adjustment" filed May 3, 2011, which is being treated as a petition under 37 C.F.R. § 1.705(b) requesting the initial determination of patent term adjustment be corrected from forty-five (45) days to fifty-two (52) days.

The petition is **dismissed**.

The Office mailed a Determination of Patent Term Adjustment under 35 U.S.C. 154(b) on February 4, 2011, advising Applicants of a patent term adjustment to date of 45 days. In response, Applicants timely filed the petition and issue fee on May 3, 2011.

Applicants assert the correct patent term adjustment as of the mailing date of the Notice of Allowance is 52 days. Applicants' assertion is based on an argument the period of Office delay under 37 C.F.R. § 1.703(a)(1) is 138 days, not 131 days.

Pursuant to 37 C.F.R. § 1.703(a)(1), the period of adjustment of patent term due to examination delay includes:

The number of days, if any, in the period beginning on the day after the date that is fourteen months after the date on which the application was filed under 35 U.S.C. 111(a) or fulfilled the requirements of 35 U.S.C. 371 and ending on the date of mailing of either an action under 35 U.S.C. 132, or a notice of allowance under 35 U.S.C. 151, whichever occurs first.

This application is the national stage of International Application No. PCT/EP2006/004353. Therefore, the period of delay under 37 C.F.R. § 1.703(a)(1) begins on the day after the date 14 months after the application fulfilled the requirements of 35 U.S.C. § 371.

The petition states, "The date, November 3, 2008, is the date on which the 35 U.S.C. 371 requirements were received and is recognized as the filing date." The Office recognizes the period of delay under 37 C.F.R. § 1.703(a)(1) would be 52 days if application fulfilled the requirements of 35 U.S.C. § 371 on November 3, 2008. However, the application did not fulfill the requirements of 35 U.S.C. § 371 until November 10, 2008.

Unless early processing is requested under 35 U.S.C. § 371(f), an application will not fulfill the requirements of 35 U.S.C. § 371 until the requirements of 35 U.S.C. § 371(c) are met and "the time limit set forth in the applicable one of PCT Articles 22 and 39 has expired." M.P.E.P. § 2731.

Applicants did not request early processing of the application under 35 U.S.C. § 371(f) and the time limit set forth in the applicable one of PCT Articles 22 and 39 expired November 10, 2010. Therefore, the application fulfilled the requirements of 35 U.S.C. § 371 on November 10, 2010, not November 3, 2010.

In view of the prior discussion, the patent term adjustment, as of the date the Office mailed the Notice of Allowance, remains 45 days.

Submission of the \$200.00 fee set forth in 37 C.F.R. § 1.18(e) is acknowledged.

Applicants are reminded any delays by the Office pursuant to 37 C.F.R. §§ 1.702(a)(4) and 1.702(b) and any applicant delays under 37 C.F.R. § 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 Senior Petitions Attorney Steven Brantley at (571) 272-3203.



Charles Steven Brantley  
Senior Petitions Attorney  
Office of Petitions



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

**MAILED**

FEB 01 2012

In re Application of	:	<b>OFFICE OF PETITIONS</b>
Wilhelm A. Keller	:	
Application No. 12/227017	:	
Filing or 371(c) Date: 11/05/2008	:	<b>ON PETITION</b>
Attorney Docket Number:	:	
022894-0104	:	

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

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

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

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

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

/DLW/

Derek L. Woods  
Attorney  
Office of Petitions



20 SEP 2010

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SEYFARTH SHAW LLP  
131 S. DEARBORN ST., SUITE 2400  
CHICAGO IL 60603-5803

In re Application of: PABARI, et al. :  
U.S. Application No.: 12/227,034 :  
PCT No.: PCT/GB2007/001692 : DECISION ON PETITION  
International Filing Date: 08 May 2007 : (37 CFR 1.181)  
Priority Date: 09 May 2006 :  
Attorney Docket No.: 37289-407500 :  
For: DEVICE FOR REMOVING AN :  
EXTERNAL PARASITE :

This decision is issued in response to the petition for revival under 37 CFR 1.137(b) filed 07 July 2010 and supplemented on 09 September 2010. As discussed below, the petition has been treated herein as a petition to withdraw the holding of abandonment under 37 CFR 1.181 and 1.8(b). No petition fee is required.<sup>1</sup>

### BACKGROUND

On 08 May 2007, applicants filed international application PCT/GB2007/001692. The international application claimed a priority date of 09 May 2006, and it designated the United States. On 15 November 2007, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for entry into the U.S. national stage and payment of the basic national fee was thirty months from the priority date, i.e., 09 November 2009.

On 05 November 2008, applicant filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee and an unexecuted declaration.

On 26 January 2009, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirements (Form PCT/DO/EO/905) indicating that an executed oath or declaration in compliance with 37 CFR 1.497 was required.

On 10 June 2010, the DO/EO/US mailed a "Notification Of Abandonment" (Form PCT/DO/EO/909) indicating that the application was abandoned based on applicants failure to file a timely response to the Notification Of Missing Requirements mailed 26 January 2009.

On 07 July 2010, applicant filed the petition considered herein (a supplement to the petition was filed on 09 September 2010). The petition requests revival of the present

<sup>1</sup> The \$1,620 petition fee charged to Deposit Account No. 19-1351 with respect to the present submission will be refunded to the Deposit Account.

application under 37 CFR 1.137(b). However, the petition also asserts that a timely response to the Notification Of Missing Requirements was filed via facsimile on 20 March 2009. Applicants therefore argue that the holding of abandonment was improper and that the petition for revival (and accompanying petition fee) should not be required. In view of the arguments included in the present petition, the petition is treated herein as a petition under 37 CFR 1.181 and 37 CFR 1.8(b) to withdraw the holding of abandonment.

### DISCUSSION

As noted above, the present petition asserts that a proper response to the Notification Of Missing Requirements, including an executed declaration, was filed by facsimile on 20 March 2009. The application file does not contain such responsive materials.

The present petition includes a copy of the materials filed via facsimile on 20 March 2010. These materials include an executed declaration and a transmittal letter that identifies the present application, itemizes the attached materials (including the executed declaration), and includes a "Certificate Of Transmission/Mailing" certifying that the accompanying materials were being submitted to the USPTO by facsimile or first class mail on 20 March 2009. The "Certificate Of Transmission/Mailing" was executed by Deborah E. Dudek. The present petition also includes a copy of the transmission report from applicants' facsimile machine confirming a five-page transmission to the USPTO on 20 March 2009. Finally, on 09 September 2009, applicants supplemented the present petition with a statement from Deborah E. Dudek providing firsthand confirmation of the 20 March 2009 transmission.

37 CFR 1.8(b) states the following:

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.

With regard to item (1) above, the present petition was promptly filed less than one-month after the mailing of the Notification Of Abandonment. Item (1) is therefore satisfied.

With regard to item (2) above, the present petition includes a copy of the previously transmitted correspondence which, as noted above, includes a "Certificate Of Transmission/Mailing" certifying that the enclosed materials were transmitted to the USPTO by facsimile or first class mail on 20 March 2009. Item (2) is satisfied.

With regard to item (3), as noted above, the present petition includes a copy of the transmission report from applicants' facsimile machine confirming a five-page transmission to the USPTO on 20 March 2009. The report includes a reduced-size version of the transmittal letter included with such submission, making clear that the facsimile transmission referred to in the transmission report is that accompanying the present petition. Applicants have also submitted a statement from Deborah E. Dudek, the person who transmitted the facsimile to the USPTO and who executed the "Certificate Of Transmission/Mailing," providing the required firsthand confirmation of the transmission and stating that the enclosed materials are copies of the papers she originally filed by facsimile on 20 March 2009. In view of the statements included with the present petition, and the enclosed facsimile transmission report, item (3) above is considered satisfied.

The present petition satisfies the requirements of 37 CFR 1.8(b). Accordingly, the materials accompanying the present petition (including the executed declaration) are appropriately treated, for purposes of timeliness, as having been filed on 20 March 2009 as a timely response to the Notification of Missing Requirements mailed 26 January 2009. It is noted that, for all other purposes, these materials will be treated as having been filed on 07 July 2010, the filing date of the present petition (see 37 CFR 1.8(a)).

The holding of abandonment herein, based as it was on the purported failure of applicant to file a timely response to the Notification Of Missing Requirements, is appropriately withdrawn pursuant to 37 CFR 1.181. In view of the withdrawal of the holding of abandonment, a petition for revival under 37 CFR 1.137(b) (and the petition fee applicable for such a petition) is not required. The petition for revival under 37 CFR 1.137(b) filed by applicants is therefore appropriately dismissed as moot, and the petition fee charged with respect to such petition will be refunded to applicants, as requested in the present petition.

### CONCLUSION

Applicants' petition for withdrawal of the holding of abandonment is **GRANTED** pursuant to 37 CFR 1.181 and 1.8(b).

Pursuant to 37 CFR 1.8, for purposes of timeliness, the materials accompanying the present petition, including the executed declaration, are treated as having been submitted on 20 March 2009 as a timely response to the Notification Of Missing Requirements mailed 26 January 2009.

The "Notification Of Abandonment" (Form PCT/DO/EO/909) mailed 10 June 2010 is hereby **VACATED**.

Applicants' petition for revival under 37 CFR 1.137(b) is **DISMISSED AS MOOT**.

Deposit Account No. 19-1351 will be credited with a refund of the \$1,620 petition fee charged with respect to the unnecessary petition for revival under 37 CFR 1.137(b).

This application is being returned to the National Stage Processing Branch of the International Division for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 07 July 2010.



Richard M. Ross  
Attorney Advisor  
Office of PCT Legal Administration  
Telephone: (571) 272-3296  
Facsimile: (571) 273-0459



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MAILED

AUG 05 2011

THE NATH LAW GROUP  
112 South West Street  
Alexandria VA 22314

PCT LEGAL ADMINISTRATION

In re Application of	:	
NERI, Dario, et al.	:	
Application No.: 12/227,060	:	
PCT No.: PCT/EP2007/004044	:	
Int. Filing Date: 08 May 2007	:	DECISION
Priority Date: 08 May 2006	:	
Att. Docket No.: 29726U	:	
For: ANTIBODY-TARGETED	:	
CYTOKINES FOR THERAPY	:	

Applicant's petition under 37 CFR 1.137(b), filed in the United States Patent and Trademark Office on 01 June 2011, is **GRANTED**.

Applicant states that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The appropriate reply and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

Although the Notification of Acceptance (Form PCT/DO/EO/903) mailed 11 July 2011 issued prematurely, its issuance is now appropriate and confirmed.

/Erin P. Thomson/

Erin P. Thomson  
Attorney Advisor  
PCT Legal Administration

Telephone: 571-272-3292



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**BOLESH J. SKUTNIK  
CERAMOPTEC INDUSTRIES, INC.  
515 SHAKER RD.  
EAST LONGMEADOW MA 01028**

**MAILED  
JUL 28 2011  
OFFICE OF PETITIONS**

In re Application of :  
Wolfgang Neugerger, et al. :  
Application No. 12/227,078 : DECISION ON PETITION  
Filed: November 6, 2008 :  
Attorney Docket No. BJA256 FW :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 8, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, December 16, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 17, 2011. The Notice of Abandonment was mailed July 5, 2011.

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

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

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

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

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

This application is being referred to Technology Center AU 3694 for appropriate action by the Examiner in the normal course of business on the reply received.

/Terri Johnson/  
Terri Johnson  
Petitions Examiner  
Office of Petitions

cc: **Eric E. Grondahl, Esq.**  
**McCarter & English, LLP**  
**CityPlace I**  
**185 Asylum Street**  
**Hartford, CT 064103-3495**



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ARIAD PHARMACEUTICALS, INC.  
ARIAD GENE THERAPEUTICS, INC.  
26 LANDSDOWNE ST.  
CAMBRIDGE MA 02139

**MAILED**

SEP 08 2011

OFFICE OF PETITIONS

In re Application of :  
Shakespeare et al. :  
Application No. 12/227,130 : ON PETITION  
Filed: January 22, 2009 :  
Attorney Docket No. 441C PCT/US :

This is a decision on the petition, filed August 12, 2011, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Office action of January 21, 2011, which set a one (1) month shortened statutory period for reply. Accordingly, a reply was due on or before February 21, 2011, or on or before July 21, 2011, with a five (5) month extension of time. A Notice of Abandonment was mailed August 1, 2011.

Petitioner states that a timely reply was mailed via certificate of mailing on July 21, 2011, which included a Response, Amendment & Request for 5-Month Extension of Time. Petitioner has submitted a copy of the previously mailed correspondence, which bears a certificate of mailing dated July 21, 2011, which would have rendered the reply timely if received.

A review of the application file verifies receipt of the above response on July 26, 2011, with a certificate of mailing date of July 21, 2011. 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 July 21, 2011 is hereby withdrawn and the application restored to pending status.

This application is being referred to Technology Center AU 1626 for appropriate action in the normal course of business on the reply received with petition.

*/Liana Walsh/*  
Liana Walsh  
Petitions Examiner  
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/227,144	11/07/2008	Jung-Hyoung Lee	29137.397.00	9643
30827	7590	01/13/2011	EXAMINER	
MCKENNA LONG & ALDRIDGE LLP			SUN, YU-HSI DAVID	
1900 K STREET, NW			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20006			2895	
			MAIL DATE	DELIVERY MODE
			01/13/2011	PAPER

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

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



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**MCKENNA LONG & ALDRIDGE LLP  
1900 K STREET, NW  
WASHINGTON DC 20006**

**In re Application of  
Lee et al.**

**Application No.: 12/227,144**

**Filed: 07 November 2008**

**Attorney Docket No.: 29137.397.00**

**For: FABRICATION METHOD FOR  
ORGANIC ELECTRONIC DEVICE  
AND ORGANIC ELECTRONIC  
DEVICE FABRICATED BY THE SAME  
METHOD**

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 02 December 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

**Discussion**

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

1. The U.S. application is
  - a. a Paris Convention application which either
    - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or
    - ii. validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims,or
  - b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
    - i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
    - ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
    - iii. contains no priority claim,or

- c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        - i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
        - ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
        - iii. contains no priority claim;
2. Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the KR application(s);
  - b. An English translation of the allowable/patentable claim(s), and
  - c. A statement that the English translation is accurate (if the claims were published in a language other than English);
3. Applicant must:
  - a. Ensure that all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KR application(s), and
  - b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
  - a. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
  - b. An English language translation of the KIPO office action; and
  - c. A statement that the English translation is accurate (if the office actions are not in the English language);
6. Applicant must submit:
  - a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and
  - b. Copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application);

This request to participate in the PPH program and petition is assessed as follows:

Requirements 1, 2, 4, and 6 above are considered to have been met.

However the request to participate in the PPH program fails to meet requirements 3 and 5.

Regarding requirement 3, applicant as failed to ensure that all the claims in the U.S. application sufficiently correspond to the allowable/patentable claims in the KR application. Specifically, claims 9 and 24 of the US application recite "an organic thin film transistor or an organic solar cell" which is not present in corresponding KIPO claims 9 and 24.

Regarding requirement 5, the translation statements for the Notice of Office Action indicate such were filed May 10, 2007. However, the Notice of Office Action is dated April 10, 2008.

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) with the Document Code PPH.PET.652. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

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

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



Lee W. Young

TQAS

Technology Center 2800 – Semiconductors  
Electrical & Optical Systems & Components



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/227,144	11/07/2008	Jung-Hyoung Lee	29137.397.00	9643

30827 7590 05/10/2011  
MCKENNA LONG & ALDRIDGE LLP  
1900 K STREET, NW  
WASHINGTON, DC 20006

EXAMINER
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SUN, YU-HSI DAVID

ART UNIT	PAPER NUMBER
2895	

MAIL DATE	DELIVERY MODE
05/10/2011	PAPER

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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**MCKENNA LONG & ALDRIDGE LLP**  
**1900 K STREET, NW**  
**WASHINGTON DC 20006**

**In re Application of**  
**Lee et al.**

**Application No.: 12/227,144**

**Filed: 07 November 2011**

**Attorney Docket No.: 29137.397.00**

**For: FABRICATION METHOD FOR**  
**ORGANIC ELECTRONIC DEVICE ...**

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 02 December 2010 and renewed on 11 February 2011 and renewed 21 March 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

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

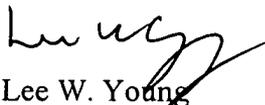
1. The U.S. application is
  - a. a Paris Convention application which either
    - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or
    - ii. validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims,or
  - b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
    - i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
    - ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
    - iii. contains no priority claim,or
  - c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application

- i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
    - ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
    - iii. contains no priority claim;
2. Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the KR application(s);
  - b. An English translation of the allowable/patentable claim(s), and
  - c. A statement that the English translation is accurate (if the claims were published in a language other than English);
3. Applicant must:
  - a. Ensure that all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KR application(s), and
  - b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
  - a. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
  - b. An English language translation of the KIPO office action; and
  - c. A statement that the English translation is accurate (if the office actions are not in the English language);
6. Applicant must submit:
  - a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and
  - b. Copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application);

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

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

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



Lee W. Young

TQAS

Technology Center 2800 – Semiconductors  
Electrical & Optical Systems & Components



JORDAN AND HAMBURG LLP  
122 EAST 42ND STREET  
SUITE 4000  
NEW YORK NY 10168

**MAILED**

**SEP 06 2011**

**PCT LEGAL ADMINISTRATION**

In re Application of	:	
KATANO, et al.	:	
Application No.: 12/227,207	:	DECISION ON PETITION
PCT No.: PCT/JP2007/000498	:	
Int. Filing Date: 09 May 2007	:	UNDER 37 CFR 1.181
Priority Date: 09 May 2006	:	
Attorney Docket No.: F-9925	:	
For: IMAGE PROCESSING APPARATUS AND	:	
IMAGE PROCESSING PROGRAM	:	

This decision is in response to applicant’s petition under 37 CFR 1.181 to withdraw the holding of abandonment filed 08 August 2011 in the United States Patent and Trademark Office (USPTO). No petition fee is required.

**BACKGROUND**

On 09 May 2007, applicant filed international application PCT/JP2007/000498 which claimed priority to a previous application filed 09 May 2006. Pursuant to 37 CFR 1.495, the deadline for submitting payment of the U.S. Basic National fee was to expire at midnight on 09 November 2008.

On 10 November 2008, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1).

On 13 July 2009, applicant was mailed a “Notification of Missing Requirements” (Form PCT/DO/EO/905) indicating that an executed oath or declaration of the inventors and an English translation of the international application as filed were required, as well as, payment of the surcharge for providing an executed oath or declaration later than thirty months from the earliest claimed priority date. Applicant was afforded two months to file a proper response.

On 14 September 2009, applicant filed a response. 13 September 2009 being a Sunday the response was timely filed.

On 16 November 2009, applicant was mailed a “Notification of Defective Response” (Form PCT/DO/EO/916) indicating that the response filed 14 September 2009 was defective as

to the English translation of the international application. Applicant was afforded one month or the extendable time available from the Form PCT/DO/EO/905 to provide a proper English translation of the international application as filed.

On 23 February 2011, applicant was mailed a "Notification of Abandonment" (Form PCT/DO/EO/909) informing application that the present application was abandoned as to the National stage in the United States for failure to respond to the Form PCT/DO/EO/905 mailed on 13 July 2009.

On 08 August 2011, applicant filed the present petition under 37 CFR 1.181 to withdraw the holding of abandonment.

### **DISCUSSION**

It is clear from the record (as detailed above) that applicant provided a timely response to the Form PCT/DO/EO/905 mailed on 13 July 2009. In addition, confusion has resulted from the manner in which the notice of abandonment was prepared. As applicant states in the present petition, it appears that the application has been abandoned for failure to respond in a timely fashion to the Form PCT/DO/EO/905 mailed on 13 July 2009. In fact the application has been abandoned for failure to respond to the Form PCT/DO/EO/916 mailed on 16 November 2009.

As applicant has stated in the present petition that the Form PCT/DO/EO/909 informing applicant of the abandonment of the application was never received, and applicant made no mention of the Form PCT/DO/EO/916 in the present petition it is likely that applicant will seek withdrawal of the abandonment of the above-captioned application for failure to receive the Form PCT/DO/EO/916 mailed on 16 November 2009. Instructions for proceeding with such a petition follow.

As detailed in Official Gazette notice 1156 OG 53 and the Manual of Patent Examining Procedure 711.03(c), a petition under 37 CFR 1.181 requesting relief based upon non-receipt of an office action must be accompanied by:

A statement from the practitioner stating that the Office action was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received. A copy of the docket record where the non-received Office action would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

As applicant has not presently satisfied these requirements it is not possible to grant applicant's petition at this time and the application remains abandoned.

**CONCLUSION**

Applicant's petition under 37 CFR 1.181 is **DISMISSED without prejudice**.

This application remains abandoned as to the United States of America.

A courtesy copy of the Form PCT/DO/EO/916 is attached.

Applicant is hereby afforded **TWO (2) MONTHS** from the mail date of this decision to file any request for reconsideration. Any reconsideration request should include a cover letter entitled, "Renewed Petition Under 37 CFR 1.181."

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration or electronically filed utilizing the USPTO's EFS-Web electronic filing system.



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



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
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JORDAN AND HAMBURG LLP  
122 EAST 42ND STREET  
SUITE 4000  
NEW YORK NY 10168

**MAILED**

DEC 12 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	
KATANO, et al.	:	
Application No.: 12/227,207	:	DECISION ON PETITION
PCT No.: PCT/JP2007/000498	:	
Int. Filing Date: 09 May 2007	:	UNDER 37 CFR 1.181
Priority Date: 09 May 2006	:	
Attorney Docket No.: F-9925	:	
For: IMAGE PROCESSING APPARATUS AND	:	
IMAGE PROCESSING PROGRAM	:	

This decision is in response to applicant's renewed petition under 37 CFR 1.181 to withdraw the holding of abandonment filed 10 November 2011 in the United States Patent and Trademark Office (USPTO). No petition fee is required.

**BACKGROUND**

On 06 September 2011, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.181 to withdraw the holding of abandonment. Applicant was afforded two months to file any request for reconsideration.

On 10 November 2011, applicant filed the renewed petition under 37 CFR 1.181 considered herein. The renewed petition includes certification under 37 CFR 1.8 that the response was deposited for mailing on the Monday, November 7<sup>th</sup>, 2011. The response is timely filed.

**DISCUSSION**

As detailed in the decision mailed 06 September 2011, a petition under 37 CFR 1.181 requesting relief based upon non-receipt of an office action must be accompanied by:

A statement from the practitioner stating that the Office action was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received. A copy of the docket record where the non-received Office action would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

With the filing of the present renewed petition and accompanying exhibits, applicant has satisfied all of the above items and it is therefore proper to grant applicant's renewed petition to withdraw the holding of abandonment in the application.

**CONCLUSION**

Applicant's renewed petition under 37 CFR 1.181 is **GRANTED**.

The Form PCT/DO/EO/909 mailed 23 February 2011 is hereby **VACATED**.

This application is being returned to the Office of PCT Operations, National Stage Processing for consideration of accompanying English translation of the international application as to the remaining 35 U.S.C. 371 requirement.



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

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

Application No:	12/227240	Filing date:	Nov. 12, 2008
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First Named Inventor:	Akio Hayashi
-----------------------	--------------

Title of the Invention: Process for Production of Radioactive Fluorine-Labeled Organic Compound

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

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

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

The corresponding PCT application number(s) is/are: PCT/JP2007/059459

The international date of the corresponding PCT application(s) is/are: 05/07/2007

**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.



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants:	Akio HAYASHI et al.	Confirmation:	6650
Serial No.:	12/227,240	Art Unit:	1621
Filed:	November 12, 2008	Examiner:	Paul A. Zucker
		Atty. Docket:	7378/91725
For:	Process for production of radioactive fluorine labeled organic compound		

**Supplement to Request for PCT-PPH Pilot Program**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22314

September 15, 2010

Sir:

Applicants supplement their Request for Participation in the Patent Cooperation Treaty – Patent Prosecution Highway (PCT-PPH) Pilot Program Between the Japan Patent Office (JPO) and the USPTO as follows:

1. Applicants have previously disclosed the ISR, Written Opinion, and the IPER from PCT/JP2007/059459 as seen from information disclosure statements filed on November 12, 2008, February 13, 2009 and September 10, 2010. Applicants believe that the information of record from the PCT application has been disclosed and of record herein. Applicants have additionally cross-cited other commonly owned co-pending U.S. applications.

2. Upon present information and belief, the PCT claims 1-3 in PCT/JP2007/059459 correspond to the present U.S. claims before consideration of the Preliminary Amendment submitted herein on November 12, 2008.

3. Upon present information and belief, the present U.S. claims 1-4 reflect preliminary amendment, and such claims correspond to the PCT claims 1-3 as indicated in the PTO's form "Request for Participation in the Patent Cooperation Treaty – Patent

Prosecution Highway (PCT-PPH) Pilot Program Between the Japan Patent Office (JPO) and the USPTO," submitted concurrently herewith.

4. All PCT claims 1-3 in PCT/JP2007/059459 are indicated as defining novel inventions.

5. All PCT claims 1-3 in PCT/JP2007/059459 define inventions having inventive step. That is, in U.S. parlance, the claims define unobvious inventions.

6. All PCT claims 1-3 in PCT/JP2007/059459 define inventions having industrial applicability. That is, in U.S. parlance, the claims define inventions satisfying 35 U.S.C. 101.

7. Upon information and belief, the Japanese application corresponding to PCT/JP2007/059459 was allowed, and the Japanese patent issued on July 16, 2010 as Japanese Patent No. 4,550,141.

Applicants hereby request that any concurrent or future reply submitted by Applicants to the U.S. Patent and Trademark Office in connection with the above-identified patent application requiring an extension of time under 37 C.F.R. §1.136(a) for its timely submission be treated as incorporating therein a request for an extension of time for the appropriate length of time. In addition, to the extent necessary during prosecution of the present application, Applicants hereby authorize the Commissioner to charge any required fee not otherwise paid, including application processing, extension, and extra claims fees, to Deposit Account No. 06-1135 with reference to Attorney Docket No. **7378/91725**.

Respectfully submitted,

**FITCH, EVEN, TABIN & FLANNERY**

**/Kendrew H. Colton/**

Kendrew Colton, Reg. No. 30,368

**Customer No. 42798**

One Lafayette Centre  
1120 - 20<sup>th</sup> Street, NW, Suite 750 South  
Washington, DC 20036  
(202) 419-7000 (telephone)  
(202) 419-7007 (telecopier)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Akio HAYASHI et al.  
Application Serial No.: 12/227,240  
Filed: November 12, 2008  
For: Process for production of radioactive  
fluorine-labeled organic compound

**SECOND PRELIMINARY AMENDMENT**  
**And Request/Petition for PPH Based**  
**on the Grant from Corresponding Japanese Application**

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

Sir:

To further supplement the pending request for PPH, and to augment/replace it with the present Petition for PPH Treatment Based on the Grant from Corresponding JP Patent Grant, please amend the above-identified application as indicated below so the claims presented relate to those in Applicants JP Patent Grant issued from their counterpart JP Application, and the following Remarks (which include correlation of claims to the JP and PCT applications):

**Amendments to the claims** begin on **page 2** of this paper.

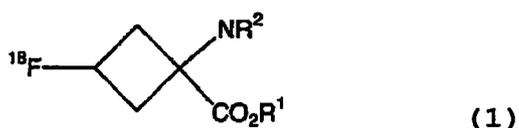
**Remarks** begin on **page 4** of this paper.

IN THE CLAIMS:

The following listing of claims replaces all prior listings of claims in the present application:

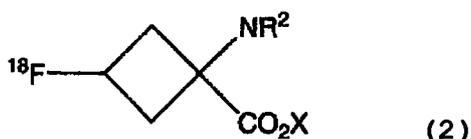
Listing of Claims:

1. (Currently amended) A process for production of a radioactive fluorine-labeled organic compound, which comprises:  
a deesterification step of retaining, in a reverse-phase column, a compound represented by the following formula (1):



wherein  $R^1$  is a linear or branched  $C_1$ - $C_{10}$ -alkyl chain or an aromatic substituent, and  $R^2$  is a protecting group;

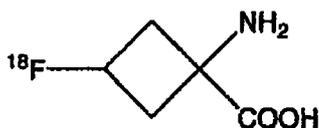
charging the column with an alkaline solution to deesterify the above compound, and subsequently discharging the alkaline solution from the column to obtain a compound represented by the following formula (2):



wherein X is a cation contained in the alkali used in the deesterification step ~~sodium or potassium~~; and

$R^2$  is a protecting group; and

a deprotection step of deprotecting the amino-protecting group of the compound obtained in the deesterification step to obtain a compound represented by the following formula (3):



(3) .

2. (Currently amended) The process for production of a radioactive fluorine-labeled organic compound according to claim 1, wherein ~~the reverse-phase column used in the deesterification step contains packing that has a structure in which a C<sub>1</sub>-C<sub>10</sub>-alkyl chain is attached to a support via silicon~~ X in the formula (2) is sodium or potassium.

3. (Currently amended) The process for production of a radioactive fluorine-labeled organic compound according to claim ~~2,~~ 1, wherein the alkali solution used in the deesterification step is a ~~an aqueous~~ sodium hydroxide solution or potassium hydroxide solution.

4. (Currently amended) The process for production of a radioactive fluorine-labeled organic compound according to claim ~~3,~~ 2, wherein the alkali solution used in the deesterification step is an aqueous sodium hydroxide solution.

5. (New) The process for production of a radioactive fluorine-labeled organic compound according to any one of claims 1 to 4, wherein the reverse-phase column used in the deesterification step contains packing that has a structure in which a C<sub>1</sub>-C<sub>18</sub>-alkyl chain is attached to a support via silicon.

**REMARKS**

Applicants petition for PPH treatment based on the claims issued in the corresponding JP Patent grant.

The concurrently filed Declaration provides an English translation of the JP claims in the JP Patent Grant. As previously stated in the present record, upon information and belief, the Japanese application corresponding to the present application was allowed and the JP Grant was issued on July 16, 2010 as JP Patent No. 4550141, and attention is invited to the aforesaid Declaration.

By this Second Preliminary Amendment, the claims are amended to conform to the claims in the JP Patent Grant that issued from the counterpart JP Application.

Upon present information and belief the presented U.S. claims do relate to the claims in the JP grant that issued from the JP counterpart application and relate to claims in the corresponding PCT application.

Upon present information and belief, the following table relates the claims in Applicants' JP Patent Grant to the claims as presented in this application:

**Table of JP Patent Claims and Claims in this U.S. Appln.**

JP claim 1	U.S. Claim 1
JP Claim 2	U.S. Claim 2
JP Claim 3	U.S. Claim 3
JP Claim 4	U.S. Claim 4
JP Claim 5	U.S. Claim 5.

Upon present information and belief, the following table relates Applicants' U.S. claims as amended to the claims in the corresponding PCT Application, PCT/JP2007/05949:

**Table of U.S. Claims to Corresponding PCT Claims**

U.S. Claim 1	~ PCT claim 1
U.S. Claim 2	PCT claim 1
U.S. Claim 3 (also includes KOH soln.)	PCT claim 3
U.S. Claim 4 singly dependent)	PCT claim 3
U.S. Claim 5 (multiply dependent)	PCT claim 2

Applicants invite attention to their Supplement to Request for PCT-PPH Pilot Program dated September 15, 2010 as it identifies the information already of record.

It is respectfully pointed out that the Japanese Patent Office determined that claims 1-3 define novel inventions that would not have been obvious. The claims define inventions having utility.

It is respectfully pointed out that the International Authority determined that PCT claims 1-3 define novel inventions that have inventive step (~unobvious) and industrial applicability (utility).

Upon present information and belief, the prior art from the PCT counterpart and the Japanese counterpart applications is already of record herein.

To the extent necessary during prosecution, Applicants hereby request any petition fee, if any, for PPH based on the claims granted from their counterpart Japanese Application, and any required extension of time not otherwise requested and hereby authorize the Commissioner to charge any fee not expressly authorized or withheld, including application processing, extension, extra claims fees, statutory disclosure, issue, and publication fees, to Deposit Account No. 06-1135 regarding our order number 7378/91725.

Respectfully submitted,

**FITCH, EVEN, TABIN & FLANNERY**

**BY:**

**Kendrew H. Colton/**\_\_\_\_\_

Kendrew H. Colton, Reg. No. 30,368

**Customer No. 42798**

1120 - 20<sup>th</sup> Street, NW, Suite 750S

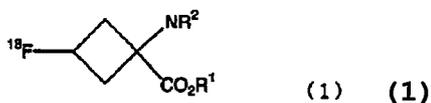
Washington, DC 20036

202-419-7000 (telephone)

202-419-7007 (telecopier)

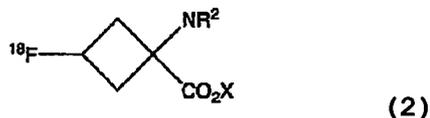
ABSTRACT

A process is provided for producing [ $^{18}\text{F}$ ]FACBC, which can reduce the production amount of impurities. Disclosed is a process for producing a radioactive fluorine-labeled organic compound, including a deesterification step of retaining, in a reverse-phase column, a compound represented by Formula (1):



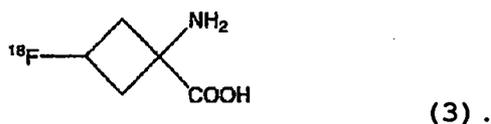
wherein  $\text{R}^1$  is a linear or branched  $\text{C}_1$ - $\text{C}_{10}$ -alkyl chain or an aromatic substituent, and  $\text{R}^2$  is a protecting group;

charging the column with an alkaline solution to deesterify the compound, and subsequently discharging the alkaline solution from the column to obtain a compound represented by Formula (2):



wherein X is sodium or potassium; and

a deprotection step of deprotecting the amino-protecting group of the compound obtained in the deesterification step to obtain a compound represented by Formula (3):





UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/227,240	11/12/2008	Akio Hayashi	7378/91725	6650
42798	7590	10/21/2010	EXAMINER	
FITCH, EVEN, TABIN & FLANNERY			ZUCKER, PAUL A	
P. O. BOX 18415			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20036			1621	
			MAIL DATE	DELIVERY MODE
			10/21/2010	PAPER

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
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FITCH, EVEN, TABIN & FLANNERY  
P. O. BOX 18415  
WASHINGTON DC 20036

OCT 21 2010

In re Application of :  
HAYASHI, AKIO et. al. :  
Application No. 12/227,240 :  
Filed: November 12, 2008 :  
Attorney Docket No. 7378/91725 :  
: DECISION ON REQUEST TO  
: PARTICIPATE IN PCT-PATENT  
: PROSECUTION HIGHWAY PILOT  
: PROGRAM AND PETITION  
: TO MAKE SPECIAL UNDER  
: 37 CFR 1.102(d)

This is a decision on the request to participate in the PCT-Patent Prosecution Highway (PPH) Pilot program and the petition under 37 CFR 1.102(d), filed September 15, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

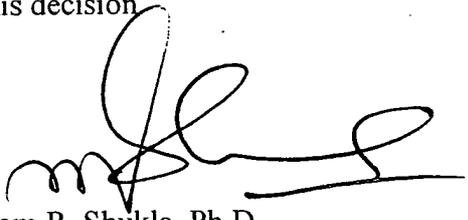
- (1) The U.S. application is a national stage entry of the corresponding JPO PCT application;
- (2) The latest work product in the international phase of the PCT application corresponding to the US application, namely the WO/ISA, or the WO/IPEA, or the IPER, indicates at least one claim in the PCT claim 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 PCT-PPH Pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to 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/eac/index.html>.

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

A handwritten signature in black ink, appearing to read 'R. Shukla', with a long horizontal flourish extending to the right.

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



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United States Patent and Trademark Office
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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
12/227,241 06/19/2009 Guillaume Picard 13798.078.00 5925

7590 11/10/2011
MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON, DC 20006

EXAMINER

BULLOCK JR, LEWIS ALEXANDER

ART UNIT PAPER NUMBER

2193

MAIL DATE DELIVERY MODE

11/10/2011

PAPER

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

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

The petition is dismissed.

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

- 1. The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Handwritten signature of Nicole Sarmet

Patent Publication Branch
Office of Data Management



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/227,395	11/13/2008	Joseph Porat	210,045	8699
38137	7590	08/26/2011	EXAMINER	
ABELMAN, FRAYNE & SCHWAB 666 THIRD AVENUE, 10TH FLOOR NEW YORK, NY 10017			ALLEN, CAMERON J	
			ART UNIT	PAPER NUMBER
			1778	
			MAIL DATE	DELIVERY MODE
			08/26/2011	PAPER

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

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



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Alexandria, VA 22313-1450  
www.uspto.gov

wk

Mailed: 8/26/11  
In re application of  
Porat  
Serial No. 12/227,395  
Filed: November 13, 2008  
For: **ROBOTIC POOL CLEANER WITH INTERNAL  
ULTRAVIOLET WATER STERILIZATION**

DECISION ON  
PETITION

This is a response to a Petition filed under 37 CFR 1.181(a) (3) on June 16, 2011.

Petitioner requests:

- (1) Entry of amendments to the claims of international application under PCT Article 19;
- (2) Withdrawal of the Office Action dated December 27, 2010; and
- (3) Issuance of a new action based on the article 19 claims and
- (4) Republication of the US patent application to include the article 19 claims.

A review of the record indicates that the Article 19 claims are in the application however the Examiner's Office Action did not consider the Article 19 claims.

## DECISION

The Petition is **GRANTED**.

The Examiner is directed to vacate the previous Office Action and to issue a new Office Action based on the Article 19 claims.

Since different matters may be considered by different branches or sections of the United States Patent and Trademark Office, each distinct subject, inquiry or order must be contained in a separate paper to avoid confusion and delay in answering papers dealing with different subjects (37 C.F.R. 1.4(c)). Applicant's request for republication of the US patent application should be submitted under a separate paper.

---

/Yvonne Eyer/  
Director, Technology Center 1700  
Chemical and Materials Engineering

Theodore J. Pierson  
ABELMAN, FRAYNE & SCHWAB  
666 THIRD AVENUE, 10TH FLOOR  
NEW YORK NY 10017



UNITED STATES PATENT AND TRADEMARK OFFICE

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www.uspto.gov

**ABELMAN, FRAYNE & SCHWAB**  
**666 THIRD AVENUE, 10<sup>TH</sup> FLOOR**  
**NEW YORK NY 10017**

**MAILED**  
**FEB 27 2012**  
**OFFICE OF PETITIONS**

Applicant: Joseph Porat  
Appl. No.: 12/227,395  
International Filing Date: May 17, 2007  
Title: ROBOTIC POOL CLEANER WITH INTERNAL ULTRAVIOLET WATER  
STERILIZATION  
Attorney Docket: 210.045  
Pub. No.: US 20090232701 A1  
Pub. Date: September 17, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on September 16, 2011, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors wherein the preliminary amendment (Article 19 amended claims) filed with the application on November 13, 2008 was not included in the publication.

37 CFR 1.221 (b) is applicable “only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable.” A material mistake must affect the public’s ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.<sup>1</sup>

The request is untimely, as it is not filed within two months of September 17, 2009, the date of the patent application publication.

Further, the error noted by requestor with respect to the preliminary amendment is not an Office error. The patent application publication does not include a mistake regarding the failure to include the preliminary amendment to the specification because patent application publications are not required to include preliminary amendments. See 37 CFR 1.215(a). The “failure to

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<sup>1</sup>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).

include an amendment is not an Office error.” See MPEP 1130(b). The publication accurately reflected the specification as filed.

37 C.F.R. 1.215(a) states that the patent application publication may also be based upon amendments to the specification (other than the abstract or the claims) that are reflected in a substitute specification under § 1.125(b), amendments to the abstract under § 1.121(b), amendments to the claims that are reflected in a complete claim listing under § 1.121(c), and amendments to the drawings under § 1.121(d), provided that such substitute specification or amendment is submitted in sufficient time to be entered into the Office file wrapper of the application before technical preparations for publication of the application have begun. (emphasis added) 37 CFR 1.215(c) states that applicant may file an amended copy of the application for publication purposes, but such amendments, including a substitute specification, must be submitted in compliance with the Office electronic filing system requirements, and within one month of the mailing date of the first Office communication that includes a confirmation number for the application, or fourteen months of the earliest filing date for which a benefit is sought under title 35, United States Code, whichever is later.

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

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

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

OR

[http://www.uspto.gov/ebc/portal/efs/pgpub\\_quickstart.pdf](http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf)

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

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

/Christopher Bottorff/

Christopher Bottorff  
Petitions Examiner  
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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12/227,395                      11/13/2008                      Joseph Porat                      210,045                      8699

38137                      7590                      03/29/2012  
ABELMAN, FRAYNE & SCHWAB  
666 THIRD AVENUE, 10TH FLOOR  
NEW YORK, NY 10017

EXAMINER
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ALLEN, CAMERON J

ART UNIT	PAPER NUMBER
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1778

MAIL DATE	DELIVERY MODE
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03/29/2012                      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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ABELMAN, FRAYNE & SCHWAB  
666 THIRD AVENUE, 10TH FLOOR  
NEW YORK NY 10017

Applicant: Porat  
Appl. No.: 12/227,395  
Filing Date: November 13, 2008  
Title: ROBOTIC POOL CLEANER WITH INTERNAL ULTRAVIOLET WATER  
STERILIZATION  
Attorney Docket No.: 210,045  
Pub. No.: US 2009/0232701 A1  
Pub. Date: September 17, 2009

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on March 7, 2012, 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](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.

A handwritten signature in black ink, appearing to read "Tammy J. Koontz". The signature is written in a cursive style with a large, looped initial "T" and a circular flourish at the end.

Tammy J. Koontz  
Office of Data Management  
United States Patent & Trademark Office



06 AUG 2010

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Alexandria, VA 22313-1450  
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Kevin S. Helmbacher  
3234 Olivehain Farms Road  
Encinitas, CA 92024

In re Application of :  
WEERS et al. :  
Application No.: 12/227,502 :  
PCT No.: PCT/US2007/012286 :  
Int. Filing: 22 May 2007 : **DECISION ON PETITION**  
Priority Date: 22 May 2006 :  
Attorney Docket No.: ALLIA.500US :  
For: OPTIMIZED FLUOROCARBON :  
EMULSIONS FOR BLOOD :  
SUBSTITUTES AND OTHER :  
THERAPEUTIC USES :

This decision is issued in response to applicants' "Response to Decision on Petition" filed 24 May 2010, which is being treated as a renewed request under 37 CFR 1.47(a). No petition fee is required.

In a decision dated 22 October 2009, applicants' petition under 37 CFR 1.47(a) to accept the application without the signature of inventor, Cindy Johnson, was dismissed as moot since the declaration filed 18 September 2010 was executed by the named inventor, the previous non-signing inventor, Cindy Johnson. However, the declaration filed on 18 September 2010 was defective because the third inventor was not identified by the name listed on the international application. (The declaration identified and was signed by "Cindy Shizuko Johnson" whereas the international application identified "Cindy Johnson.")

In response to the Decision, applicants submitted a newly executed declaration and states that "the declaration does not identify a different inventor. Cindy Johnson's maiden name is Shizuko and she occasionally signs her name using both her maiden name and her married name." Accordingly, the inventor's explanation is accepted and noted for the record and the declaration filed 24 May 2010 has been accepted.

The declaration submitted 24 May 2010 complies with 37 CFR 1.497(a)-(b) and a petition under 37 CFR 1.182 is not required.

For the reasons above, the renewed petition under 37 CFR 1.47(a) is **DISMISSED** as **MOOT**.

Application No.: 12/227,502

2

Accordingly, the requirements for entry into the national stage under 35 U.S.C. 371(c) were completed as of 24 May 2010.

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

The application has an international filing date of 22 May 2007 under 35 U.S.C. 363 and a date of **24 May 2010** under 35 U.S.C. 371(c)(1),(c)(2) and (c)(4).



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



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/227,570	04/15/2009	Bo Hyun Kim	LGCHEM 3.3-047	2093
86765	7590	03/29/2011	EXAMINER	
LGCHEM Lerner, David, Littenberg, Krumholz & Mentlik, LLP 600 South Avenue West Westfield, NJ 07090			PARSONS, THOMAS H	
			ART UNIT	PAPER NUMBER
			1729	
			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):

eOfficeAction@ldlkm.com



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CST

March 28, 2011

In re application of	:	DECISION ON REQUEST TO
Bo Hyun Kim et al	:	PARTICIPATE IN PATENT
Serial No. 12/227,570	:	PROSECUTION HIGHWAY
Filed: April 15, 2009	:	PROGRAM AND
For: SECONDARY BATTERY	:	PETITION TO MAKE SPECIAL
HAVING ELECTRODE FOR	:	UNDER 37 CFR 1.102(a)
IMPROVEMENT OF STABILITY	:	
DURING OVERCHARGE	:	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program, filed February 2, 2011.

The request and petition are **DISMISSED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO, note where the KIPO 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 KIPO application with similar claims and the KIPO priority application;

(2) Applicant must submit a copy of:

- a. The allowable/patentable claim(s) from the KIPO 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 KIPO 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 KIPO application(s) containing the allowable/patentable claim(s) or
    - ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
    - iii. if the KIPO application is a first action allowance then no office action from the KIPO is necessary should be indicated on the request/petition form:  
Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
  - b. An English language translation of the KIPO 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 KIPO examiner in the KIPO office action (unless already submitted in this application)
  - b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

The request to participate in the PPH program and petition fail because:

- (3) All of the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s).

Claim 1 of the KIPO application requires that the electrode assembly includes a safety electrode composed of a material that effects an electrochemical reaction "only" when the secondary battery is overcharged. Claim 1 of the present application, however, does not recite the "only" language.

Applicant is given a time period of **ONE MONTH OR THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected within the time period given, the application will await action in its regular turn.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

Application No. 12/227,570

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

/Christine Tierney/

---

Christine Tierney  
Quality Assurance Specialist  
Technology Center 1700



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/227,570	04/15/2009	Bo Hyun Kim	LGCHEM 3.3-047	2093
86765	7590	04/28/2011	EXAMINER	
LGCHEM Lerner, David, Littenberg, Krumholz & Mentlik, LLP 600 South Avenue West Westfield, NJ 07090			PARSONS, THOMAS H	
			ART UNIT	PAPER NUMBER
			1729	
			NOTIFICATION DATE	DELIVERY MODE
			04/28/2011	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):

eOfficeAction@ldlkm.com



CST

April 27, 2011

In re application of	:	DECISION ON REQUEST TO
Bo Hyun Kim et al	:	PARTICIPATE IN PATENT
Serial No. 12/227,570	:	PROSECUTION HIGHWAY
Filed: April 15, 2009	:	PROGRAM AND
For: SECONDARY BATTERY	:	PETITION TO MAKE SPECIAL
HAVING ELECTRODE FOR	:	UNDER 37 CFR 1.102(a)
IMPROVEMENT OF STABILITY	:	
DURING OVERCHARGE	:	

This is a decision on the supplemental request to participate in the Patent Prosecution Highway (PPH) program filed on April 5, 2011.

The request and petition are **GRANTED**.

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

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO, note where the KIPO 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 KIPO application with similar claims and the KIPO priority application;
- (2) Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the KIPO 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 KIPO 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 KIPO 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 KIPO application is a first action allowance then no office action from the KIPO is necessary should be indicated on the request/petition form:  
Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
- b. An English language translation of the KIPO 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 KIPO examiner in the KIPO office action (unless already submitted in this application)
- b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

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

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

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

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

/Christine Tierney/

---

Christine Tierney  
Quality Assurance Specialist  
Technology Center 1700

**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:	12/227,589	Filing date:	November 21, 2008
First Named Inventor:	Georg SCHNEIDER		

Title of the  
Invention: **INKING UNIT OF A ROTARY PRESS, COMPRISING A FILM ROLLER**

**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/EFSEFS\_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/EP2007/053701**

The international date of the corresponding  
PCT application(s) is/are: **April 17, 2007**

**I. List of Required Documents:**

a. A copy of the latest international work product (WO/ISA, WO/SPEA, 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.



# KARIN T. DUNN

## GERMAN TRANSLATION AND LANGUAGE SERVICES

Certified by the American Translators Association

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

Date: September 30<sup>th</sup>, 2010

### DECLARATION

The undersigned, Karin T. Dunn, hereby states that she is well acquainted with both the English and German languages and that the attached is a true translation to the best of her knowledge and ability of the German text of the amended claims, submitted with the International Preliminary Report on Patentability, for PCT/EP2007/053701, which was filed on 17 April 2007 and was published on 29 November 2007 as WO 2007/134919 A1.

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

  
Karin T. Dunn

Translation of the pertinent portions of a **Notification of the Transmittal of the International Preliminary Report Regarding Patentability** in accordance with Rule 71.1 PCT, mailed 04/24/2008

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

A total of 5 pages (*sent to the applicant and to the International Authority*), which include

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

4. This report contains information on the following items:

Box I Basis of the Report

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

Box VI Certain documents cited





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

**Re Item V.**

Reference is made to the following documents:

- D1: JP 2005 271407 A (KOMORI PRINTING MACH) 6 October 2005 (10/06/2005)
- D2: EP-A1-0 344 332 (KINYOSHA KK [JP]) 6 December 1989 (12/06/1989)
- D3: EP-A-1 579 988 (ROLAND MAN DRUCKMASCH [DE]) 28 September 2005 (09/28/2005)
- D4: WO 2007/077053 A (KOENIG & BAUER AG [DE]; BASLER MARTIN BERNHARD [DE]; BERNARD ANDREAS E) 12 July 2007 (07/12/2007)
- D5: GB 729 561 A (STRACHAN & HENSHAW LTD) 11 May 1955 (05/11/1955)

1. The present application does not fulfill the requirements of Article 33(1) PCT, because the object of claim 1 is not based upon an inventive step under Article 33(3) PCT.

Document D1 is viewed as the closest prior art in relation to the object of claim 1. It discloses (references in parentheses refer to this document) an inking unit of a rotary printing press comprising a film roller (13), wherein the film roller has a structured circumferential surface (13b, see diagram 2), wherein the circumferential surface of the film roller has a hardness of at least 60 Shore D (11 polyamide or 12/polyamide are other names for Rilsan. Rilsan has a hardness of at least 60 Shore D).

The object of claim 1 therefore differs from what is known from D1 in that

- the circumferential surface has a stochastic structure, wherein the stochastic structure is imparted to the circumferential surface via shot peening.
- the circumferential surface of the film roller has irregularly distributed depressions with depths ranging from 50  $\mu\text{m}$  to 400  $\mu\text{m}$ , wherein the open depressions on the circumferential surface of the film roller form a maximum vacant space ratio of 35 % in relation to a closed, assumed cylindrical surface of this film roller.

The objective problem solved with these various characterizing features consists in optimizing a transport of the ink dependent upon a rotational speed.

In the cited documents, one of ordinary skill in the art receives no suggestion either with respect to the statement of object or with respect to the corresponding solution. For this reason, the object of claim 1 of the present application is based upon an inventive step (Article 33(3) PCT).

Documents D1, D3 and D4 show film rollers, the surfaces of which have a hardness of at least 60 Shore D. In D5, an inking roller is provided with a stochastic structure via shot peening. Details regarding the surface structure are not known.

D2 shows an anilox roller having an irregular structure, a roughness of 30  $\mu\text{m}$  and a hardness of 86 Shore D.

The object of claim 1 is based upon an inventive step.

- 1.2 Claims 2 through 35 are dependent upon claim 1 and also fulfill the requirements of the PCT with respect to Article 33(3) PCT.

## Claims

1. Inking unit of a rotary printing press comprising a film roller (09), wherein the film roller (09) has a structured circumferential surface, characterized in that the circumferential surface of the film roller (09) has a hardness of at least 80 Shore D, wherein the circumferential surface of the film roller (09) has a stochastic structure, wherein the stochastic structure is imparted to the circumferential surface of the film roller (09) via shot peening, wherein the circumferential surface of the film roller (09) has irregularly distributed depressions ranging in depth from 50  $\mu\text{m}$  to 400  $\mu\text{m}$ , wherein the open depressions on the circumferential surface of the film roller (09) make up a maximum vacant space ratio of 35 % relative to a closed, assumed cylindrical surface of said film roller (09).
2. Inking unit according to claim 1, characterized in that the film roller (09) has a circumferential surface made of a polyamide or a polyacrylate or copper.
3. Inking unit according to claim 1, characterized in that the circumferential surface of the film roller (09) has a hardness of more than 70 Shore D.
4. Inking unit according to claim 1, characterized in that the circumferential surface of the film roller (09) has a hardness ranging from 80 to 90 Shore D.
5. Inking unit according to claim 1, characterized in that it has an ink dividing roller (11).
6. Inking unit according to claim 1, characterized in that only a single roller (09) is located between an ink fountain roller (08) which picks up ink from an ink reservoir (07) and the ink dividing roller (11), wherein this roller (09) is the film roller (09).

7. Inking unit according to claim 1, characterized in that it is engaged against a forme cylinder (02).
8. Inking unit according to claim 7, characterized in that a plurality of ink forme rollers (03; 04; 06) are provided, all simultaneously engaged against a forme cylinder (02).
9. Inking unit according to claim 7, characterized in that it has at least three ink forme rollers (03; 04; 06).
10. Inking unit according to claim 7, characterized in that it is configured to be front-loaded.
11. Inking unit according to claim 8, characterized in that the uppermost ink forme roller (06) of this inking unit is situated in such a way that a horizontal tangent (T05) placed on the periphery of this ink forme roller (06) is located spaced a vertical distance (a06) of at least 50 mm from a horizontal tangent (T02) placed on the periphery of the forme cylinder (02).
12. Inking unit according to claim 11, characterized in that all other rollers (03; 04; 08; 09; 11; 12; 13; 14) belonging to this inking unit are located below the horizontal tangent (T06) placed on the periphery of the uppermost ink forme roller (06).
13. Inking unit according to claim 1, characterized in that it is assigned, together with a dampening unit, to a forme cylinder (02), wherein all rollers (18; 21; 22) of the dampening unit are positioned substantially below the forme cylinder (02).

14. Inking unit according to claim 1, characterized in that it is assigned, together with a dampening unit, to a forme cylinder (02), wherein the dampening unit is embodied as a dampening unit which applies a dampening agent to a dampening distribution roller (21) in a contactless fashion.
15. Inking unit according to claim 1, characterized in that it is assigned, together with a dampening unit, to a forme cylinder (02), wherein all the rollers (18; 21; 22) of the dampening unit are frictionally driven.
16. Inking unit according to claim 1, 5 or 8 characterized in that at least the film roller (09) and/or the ink dividing roller (11) and/or the ink forme rollers (03; 04; 06) are each arranged so as to be capable of radial movement, wherein the radial movement of these rollers (03; 04; 06; 09; 11) refers to the fact that the respective axes of these rollers (03; 04; 06; 09; 11), or at least one of the ends of these rollers (03; 04; 06; 09; 11), is displaceable eccentrically in relation to a bearing point that belongs to one of the respective rollers (03; 04; 06; 09; 11) and is fixed to the frame.
17. Inking unit according to claim 5, characterized in that the ink dividing roller (11) divides an ink flow (A) coming from the ink fountain roller (08) into a primary flow (B) and a secondary flow (C).
18. Inking unit according to claim 17, characterized in that two ink forme rollers (04; 06) are provided in the secondary flow (C), wherein the ink forme rollers (04; 06) divide the secondary flow (C) into partial flows (D; E).
19. Inking unit according to claim 5, characterized in that the ink dividing roller (11) is engaged against two distribution rollers (12; 13).
20. Inking unit according to claim 5, characterized in that one distribution roller (12; 13) is positioned in the primary flow (B) and one in the secondary flow (C), respectively.

21. Inking unit according to claim 19 or 20, characterized in that one of the two distribution rollers (12; 13) is driven by a drive (53; 54), which is respectively independent of a drive (51; 52) of the forme cylinder (02) or of a transfer cylinder (01) that cooperates with this forme cylinder (02).
22. Inking unit according to claim 19 or 20, characterized in that at least one of the distribution rollers (12; 13) has a circumferential surface made of copper or Pilsan.
23. Inking unit according to claim 5, characterized in that a doctor roller (14) is engaged against the ink dividing roller (11), wherein a doctor blade (16) is positioned on the doctor roller (14).
24. Inking unit according to claim 23, characterized in that the doctor roller (14) engaged against the ink dividing roller (11) is positioned downstream from the point at which the secondary flow (C) branches off in the direction of rotation of the ink dividing roller (11).
25. Inking unit according to claim 5, characterized in that the ink dividing roller (11) has a circumferential surface made of an elastic material.
26. Inking unit according to claim 5, characterized in that the ink dividing roller (11) has a circumferential surface having a hardness ranging from 50 to 80 Shore A.
27. Inking unit according to claim 7, characterized in that each of the two ends of the forme cylinder (02) or of the transfer cylinder (01) that cooperates with this forme cylinder (02) is mounted in a bearing unit (24), wherein the bearing unit (24) of the respective cylinder (01; 02) permits the embodiment of a linear adjustment path (S), wherein this adjustment path (S) is aligned substantially orthogonally to a print substrate imprinted by the transfer

cylinder (01).

28. Inking unit according to claim 6, characterized in that ink blades that meter the ink picked up from the ink reservoir (07) in zones are provided on the ink fountain roller (08).
29. Inking unit according to claim 1, characterized in that a stripper roller (17) is provided, wherein the stripper roller (17) is engaged simultaneously against one of the ink forme rollers (03; 04; 06) and against a roller (18; 21; 22) of the dampening unit, which can be engaged against the forme cylinder (02).
30. Inking unit according to claim 29, characterized in that the stripper roller (17) is engaged against an ink forme roller (03) which is positioned in the primary flow (B).
31. Inking unit according to claim 29, characterized in that the stripper roller (17) is engaged against a dampening forme roller (18) of the dampening unit.
32. Inking unit according to claim 7, characterized in that the forme cylinder (02) participates in the printing of a print substrate, which is moved through the rotary printing press at a transport speed of more than 10 m/s.
33. Inking unit according to claim 1, characterized in that the rotary printing press that has this inking unit imprints the substrate in a wet offset printing process.
34. Inking unit according to claim 1, characterized in that the rotary printing press that has this inking unit is embodied as a newspaper printing press.

10/20/2007

40

35. Inking unit according to claim 2, characterized in that the polyamide is reinforced with glass fibers.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/227,589	11/21/2008	Georg Schneider	W1.2774 PCT-US	5638

23294 7590 11/08/2010  
JONES, TULLAR & COOPER, P.C.  
P.O. BOX 2266 EADS STATION  
ARLINGTON, VA 22202

EXAMINER
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HINZE, LEO T

ART UNIT	PAPER NUMBER
2854	

MAIL DATE	DELIVERY MODE
11/08/2010	PAPER

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

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



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

**In re Application of  
SCHNEIDER et al**

**Application No.: 12/227,589**

**Filed: 21 November 2008**

**Attorney Docket No.: W1.2774 PCT-US**

**For: INKING UNIT OF A ROTARY  
PRESS, COMPRISING A FILM  
ROLLER**

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

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed 07 October 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

#### **Discussion**

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

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability

along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

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

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

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

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

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



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



UNITED STATES PATENT AND TRADEMARK OFFICE

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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
Values: 12/227,595, 05/01/2009, Rakesh Ratnam, 29819U, 7167

7590 08/11/2010
THE NATH LAW GROUP
112 South West Street
Alexandria, VA 22314

Table with 1 column: EXAMINER

Table with 2 columns: ART UNIT, PAPER NUMBER
Value: 1623

Table with 2 columns: MAIL DATE, DELIVERY MODE
Values: 08/11/2010, PAPER

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

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

The petition is dismissed.

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

- 1. [ ] The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. [ ] The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. [X] The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. [ ] The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Betty Powell

Patent Publication Branch
Office of Data Management

16 AUG 2010



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

In re Application of	:	
Jan et al.	:	
Application No.: 12/227,636	:	DECISION
PCT No.: PCT/JP2007/059170	:	
Int. Filing Date: 27 April 2007	:	ON
Priority Date: 01 June 2006	:	
Attorney Docket No.: 086142-1002	:	PETITION
For: Airbag Jacket	:	

This is in response to the renewed petition under 37 CFR 1.47(a) filed on 08 December 2009.

**DISCUSSION**

In a Decision mailed on 27 July 2009, the petition under 37 CFR 1.47(a) filed on 22 May 2009 was dismissed, without prejudice, because

Regarding **requirement (2)**, the petition is accompanied by a copy and translation of an email to a "Mr. Jang," dated 16 October 2008. It is unclear why there is a discrepancy between the names Jan and Jang. Also, there is no first-hand statement from the person (Mr. Shingo) who sent the email. The email requests Mr. Jang's address, and offers to send "some documents" via either mail or email. Petitioner has also provided an email from Mr. Jang to Mr. Shingo, dated 16 October 2008, which suggests a refusal to "sign my name," though it is not clear whether this refusal pertains to an oath or declaration directed to this particular application. Petitioner has also presented a copy of a letter to Mr. Shipley from Mr. Shigeno, indicating that a copy of the application and "the documents for signature were sent by Fedex to a company where Mr. Jang has been working and that they were hand delivered..." No first-hand statement from Mr. Shigeno has been provided. In addition, inspection of the FedEx receipt suggests that the parcel was sent in May 2009; as such, it is not clear that Mr. Jan/Jang would have enjoyed sufficient time in which to receive the parcel, read the documents and return an executed declaration. Since petitioner has not adequately shown that Mr. Jan refused to execute the application after being presented with an oath or declaration and a complete copy of the application, it would not be appropriate at this time to conclude that requirement (2) has been satisfied.

In response, petitioner has clarified that the discrepancy between the names Jan and Jang arose from a transliteration variation. This explanation is accepted under the policy described at MPEP 1893.01(e).

Petitioner has provided a "Declaration of Kyoko Ishiji," who describes the sending of a Federal Express parcel to Mr. Jang at his last known address on 15 May 2009 and an email on 02 November 2009; both of these communications are stated to have been accompanied by copies of the application and declaration documents. The "Declaration..." is accompanied by copies of

Federal Express tracking information and the 02 November 2009 email. No copy of the letter sent on 15 May 2009 has been provided. In addition, inspection of the 02 November 2009 email reveals that it appears to refer to other correspondence with Mr. Jang, but no copies of such correspondence have been made of record. Due to the likely probative value of such correspondence (e.g., does it provide reasons for refusal, or conversely does it evince a willingness to execute an oath or declaration?), it would be appropriate to make copies of such correspondence of record in the application file.

The \$130.00 petition fee paid on 08 December 2009 was not required, and it is being refunded to counsel.

**DECISION**

The petition under 37 CFR 1.47(a) is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

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

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

28 SEP 2010



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FOLEY AND LARDNER LLP  
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WASHINGTON DC 20007

In re Application of	:	
Jan et al.	:	
Application No.: 12/227,636	:	DECISION
PCT No.: PCT/JP2007/059170	:	
Int. Filing Date: 27 April 2007	:	ON
Priority Date: 01 June 2006	:	
Attorney Docket No.: 086142-1002	:	PETITION
For: Airbag Jacket	:	

This is in response to the renewed petition under 37 CFR 1.47(a) filed on 12 April 2010.

**DISCUSSION**

As a preliminary matter, review of the record reveals that, on 16 August 2010, a copy of the Decision previously mailed on 12 February 2010 was mailed to applicants. The copy mailed on 16 August 2010 was issued in error, and it is hereby **VACATED**.

In the Decision mailed on 12 February 2010, the petition under 37 CFR 1.47(a) filed on 08 December 2009 was dismissed, without prejudice, because, with respect to requirement (2),

Petitioner has provided a "Declaration of Kyoko Ishiji," who describes the sending of a Federal Express parcel to Mr. Jang at his last known address on 15 May 2009 and an email on 02 November 2009; both of these communications are stated to have been accompanied by copies of the application and declaration documents. The "Declaration..." is accompanied by copies of Federal Express tracking information and the 02 November 2009 email. No copy of the letter sent on 15 May 2009 has been provided. In addition, inspection of the 02 November 2009 email reveals that it appears to refer to other correspondence with Mr. Jang, but no copies of such correspondence have been made of record. Due to the likely probative value of such correspondence (e.g., does it provide reasons for refusal, or conversely does it evince a willingness to execute an oath or declaration?), it would be appropriate to make copies of such correspondence of record in the application file.

In response, petitioner has provided a declaration signed by the formerly non-signing joint inventor. Said declaration was filed on 02 February 2010. This declaration renders the petition under 37 CFR 1.47(a) moot.

**DECISION**

The petition under 37 CFR 1.47(a) is **DISMISSED AS MOOT**, without prejudice.

This application is being returned to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **02 February 2010**.

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

Doc Code: PPH.PCT.652

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

PTO/S&D/PCT-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:	12/227,647	Filing date:	November 24, 2008
First Named Inventor:	Georg SCHNEIDER		

Title of the Invention: **ASSEMBLIES IN THE PRINTING UNIT OF A ROTARY PRESS**

**THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EFSC/EFWS\\_HELP.HTML](http://www.uspto.gov/efsweb_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/EP2007/054961**

The international date of the corresponding PCT application(s) is/are: **May 22, 2007**

**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.

Page 1 of 2

This collection of information is required by 35 U.S.C. 116, 37 CFR 1.55, and 37 CFR 1.503(a). The information is required to obtain or retain a benefit by the public, which is to be used by the USPTO to process an application. Confidentiality is granted by 35 U.S.C. 122 and 37 CFR 1.14 and 1.14. This collection is estimated to take 27 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 22303-1450. 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.: 12/227,647

First Named Inventor: Georg SCHNEIDER

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

is attached

Has already been filed in the above-identified U.S. application on November 24, 2008

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

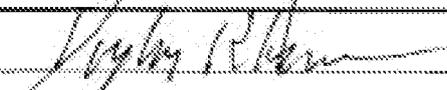
Are attached.

Have already been filed in the above-identified U.S. application on November 24, 2008

**ii. Claims Correspondence Table:**

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
109 - 112	1 - 4	direct correspondence
113	5	U.S. claim amended to remove multiple dependency
114 - 116	6 - 8	direct correspondence
117 - 121	9 - 13	U.S. claim amended to remove multiple dependency
122, 123	14, 15	direct correspondence
124	16	U.S. claim amended to remove multiple dependency
125 - 138	17 - 30	direct correspondence
139 - 141	31 - 33	U.S. claim amended to remove multiple dependency
142 - 148	34 - 40	direct correspondence
149 - 151	41 - 43	U.S. claim amended to remove multiple dependency
152	44	direct correspondence
153 - 157	45 - 49	U.S. claim amended to remove multiple dependency
158	50	direct correspondence
159 - 161	51 - 53	U.S. claim amended to remove multiple dependency
162, 163	54, 55	direct correspondence

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

Signature: 	Date: October 7, 2010
Name (Print/Type): Douglas R. Hanscom	Registration Number: 28800

**KARIN T. DUNN**

**GERMAN TRANSLATION AND LANGUAGE SERVICES**

Certified by the American Translators Association

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

Date: September 30<sup>th</sup>, 2010

DECLARATION

The undersigned, Karin T. Dunn, hereby states that she is well acquainted with both the English and German languages and that the attached is a true translation to the best of her knowledge and ability of the German text of the amended claims, submitted with the International Preliminary Report on Patentability, for PCT/EP2007/054961, which was filed on 22 May 2007 and was published on 29 November 2007 as WO 2007/135155 A3.

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

  
Karin T. Dunn

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Translation of the pertinent portions of a Notification of the Transmittal of the International Preliminary Report Regarding Patentability in accordance with Rule 71.1 PCT, mailed on 09/02/2008

2. This report comprises a total of 19 pages including this cover sheet.
3. Enclosures are also included with the report; these include

A total of 12 pages (*sent to the applicant and to the International Authority*), which include

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

4. This report contains information on the following items:

Box I      Basis of the Report

Box IV     Lack of unity of the invention

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





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

**Re Item IV.**

Reference is made to the following document:

D3: DE 44 39 144 A1 (ROLAND MAN DRUCKMASCH [DE]) 9 May 1996 (05/09/1996)

The different groups of inventions are:

Claims 1, 2, 5-14, 16-55

Single roller capable of radial travel

Claims 3-27, 31-55

Inking unit and dampening unit below a horizontal tangent

For the following reasons, these inventions are not connected to one another in such a way that they realize a single common inventive idea (Rule 13.1 PCT):

The prior published document D3 describes an assembly in a printing couple of a rotary printing press, comprising at least one forme cylinder, three ink forme rollers (11, 12, 13), two distribution rollers (9, 10) and one ink dividing roller (21), wherein each of the two distribution rollers is engaged directly against the ink dividing roller, wherein one of the ink forme rollers is engaged both against one of the distribution rollers and against the forme cylinder, wherein the other two ink forme rollers are engaged both against the other distribution roller and against the forme cylinder, wherein an ink fountain roller (1) which picks up ink from an ink reservoir is provided.

First invention: Claims 1, 2, 5-14, 16-55

The object of the first invention differs from the prior published document with respect to the following special technical characterizing features (claim 1)

- only a single roller is positioned between the ink fountain roller and the ink dividing roller, wherein the radial movement of this roller is based upon the fact that the respective axis of this roller (or one of the ends of this roller) can be displaced eccentrically in relation to a bearing point, which is fixed on the frame in relation to this roller.

These characterizing features of the group of claims solve the problem of devising an inking unit assembly with a uniform ink application.

Second invention: Claims 3-27, 31-55

The object of the invention differs from the prior published document with respect to the following special technical characterizing features (claim 3)

- wherein the uppermost ink forme roller is situated such that a horizontal tangent that is placed on the periphery of this ink forme roller is spaced at a vertical distance of at least 50 mm from a horizontal tangent placed on the periphery of the forme cylinder
- wherein the respective rotational axes of all the rollers that transport ink to the forme cylinder are arranged [...] below the [...] tangent
- wherein the respective rotational axes of all the rollers of the dampening unit are situated [...] below a plane defined by the respective rotational axes of the forme cylinder and a transfer cylinder that cooperates with this forme cylinder.

These characterizing features of the group of claims solve the problem of devising a space-saving roller assembly.

Therefore, the two listed inventions solve different problems with respect to the cited prior art, using different special technical characterizing features.

The listed inventions are not connected to one another in such a way that they realize a single, common inventive idea under Rule 13.1 PCT.

Moreover, there is no technical connection, as defined under Rule 13.2 PCT, between these inventions which is expressed in one or more similar or corresponding special technical characterizing features.

### **Re Item V.**

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

Reference is made to the following documents:

- D1: WO 2004/024451 A (KOENIG & BAUER AG [DE]; SCHNEIDER GEORG [DE]; REDER WOLFGANG OTTO [DE]) 25 March 2004 (03/25/2004) cited in the application
- D2: DE 12 43 695 B (ADAMOVSKE STROJIRNY NP) 6 July 1967 (07/06/1967)
- D3: DE 44 39 144 A1 (ROLAND MAN DRUCKMASCH [DE]) 9 May 1996 (05/09/1996)

### **Claims 1, 2, 5-14, 16-55**

Single roller capable of radial movement

1. Document D3 is considered the closest prior art in relation to the object of claim 1. It discloses (references in parentheses refer to this document) an assembly in a printing couple of a rotary printing press, comprising at least one forme cylinder, three ink forme rollers (11, 12, 13), two distribution rollers (9, 10), and one ink dividing roller (21), wherein each of the two distribution rollers is engaged directly against the ink dividing roller, wherein one of the ink forme rollers is engaged both against one of the distribution rollers and against the forme cylinder, wherein the other two ink forme rollers are engaged both against the other distribution roller and against the forme cylinder, wherein an ink fountain roller (1) which picks up ink from an ink reservoir is provided. The object of claim 1 therefore differs from the known cylinder assembly in that:

- only a single roller is positioned between the ink fountain roller and the ink dividing roller, wherein the radial movement of this roller is based upon the fact that the respective axis of this roller (or of one of the ends of this roller) can be displaced eccentrically in relation to a bearing point that is fixed to the frame in relation to this roller.

These characterizing features solve the problem of devising an inking unit assembly which has a uniform ink application.

The solution to this object, which is proposed in claim 1 of the present application, is based upon an inventive step for the following reasons (Article 33(3) PCT): No document (see especially D1, D2 and D3) describes an inking unit assembly with a single roller, which is positioned between the ink fountain roller and the ink dividing roller. In D2 and D3, cylinder assembly having a plurality of roller [sic - Translator] between the ink fountain roller and the ink dividing roller are described. This document does not describe how these rollers are mounted. Although rollers positioned so as to be capable of radial movement are known to the applicant, it is not obvious to situate one such roller in an inking unit assembly having the characterizing features of claim 1, in order to attain the stated object.

The object of claim 1 is based upon an inventive step (Article 33(3) PCT)

2. Claims 2, 5-14, 16-55 are dependent upon claim 1 and therefore also fulfill the requirements of the PCT with regard to novelty and an inventive step.

#### Claims 3-27, 31-55

Inking unit and dampening unit below a horizontal tangent

3. Document D3 is considered the closest prior art in relation to the object of claim 3. It discloses (references in parentheses refer to this document) an assembly in a printing couple of a rotary printing press, comprising at least one forme cylinder, three ink forme rollers (11, 12, 13), two distribution rollers (9, 10) and one ink dividing roller (21), wherein each of the two distribution rollers is engaged directly against the ink dividing roller, wherein one of the ink forme rollers is engaged both against one of the distribution rollers and against the forme cylinder, wherein the other two ink forme rollers are engaged both against the other distribution roller and against the forme cylinder, wherein an ink fountain roller (1) which picks up ink from an ink reservoir is provided.

The object of claim 3 therefore differs from the known cylinder assembly in that:

- wherein the uppermost ink forme roller is situated such that a horizontal tangent placed on the periphery of this ink forme roller is spaced at a vertical distance of at least 50 mm from a horizontal tangent placed on the periphery of the forme cylinder.
- wherein the respective rotational axes of all rollers that transport ink to the forme cylinder [...] are arranged below the [...] tangent
- wherein the respective rotational axes of all rollers of the dampening unit [...] are situated below a plane defined by the respective rotational axes of the forme cylinder and a transfer cylinder that cooperates with this forme cylinder.

These characterizing features solve the problem of devising a space-saving roller assembly.

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

The roller assemblies described in D1 and D2 have no dampening unit, or provide no details in this regard. In D3, only a single roller of the dampening unit is shown. No document describes or proposes arranging the inking unit and dampening unit as in claim 1 in order to create a compact printing couple.

The object of claim 3 is based upon an inventive step (Article 33(3) PCT)

2. Claims 4-27, 31-55 are dependent upon claim 1 and therefore also fulfill the requirements of the PCT with respect to novelty and an inventive step.

## Claims

1. Assembly in a printing couple of a rotary printing press, comprising at least one forme cylinder (02), three ink forme rollers (03; 04; 06), two distribution rollers (12; 13) and one ink dividing roller (11), wherein each of the two distribution rollers (12; 13) is engaged directly against the ink dividing roller (11), wherein one of the ink forme rollers (03) is engaged both against one of the distribution rollers (12) and against the forme cylinder (02), wherein the other two ink forme rollers (04; 06) are engaged both against the other distribution roller (13) and against the forme cylinder (02), wherein an ink fountain roller (08) which picks up ink from an ink reservoir (07) is provided, characterized in that the forme cylinder (02) is loaded with a plurality of printing formes, in that only a single roller (09) is positioned between the ink fountain roller (08) and the ink dividing roller (11), wherein at least this roller (09) is arranged so as to be capable of radial movement, wherein the radial movement of this roller (09) refers to the fact that the respective axis of this roller (09) or of at least one of the ends of this roller (09) is displaceable eccentrically in relation to a bearing point that belongs to this roller (09) and is fixed on the frame.
2. Assembly according to claim 1, characterized in that the uppermost ink forme roller (06) is positioned such that a horizontal tangent (T06) placed on the periphery of this ink forme roller (06) is located a vertical distance (a06) of at least 50 mm from a horizontal tangent (T02) placed on the periphery of the forme cylinder (02).
3. Assembly in a printing couple of a rotary printing press, comprising at least one forme cylinder (02), three ink forme rollers (03; 04; 06), two distribution rollers (12; 13) and one ink dividing roller (11), wherein each of the two distribution rollers (12; 13) is engaged directly against the ink dividing roller (11), wherein one of the ink forme rollers (03) is engaged both against one of the distribution rollers (12) and against the forme cylinder

(02), wherein the other two ink forme rollers (04; 06) are engaged both against the other distribution roller (13) and against the forme cylinder (02), wherein an ink fountain roller (08) which picks up ink from an ink reservoir (07) is provided, wherein a dampening unit is provided, characterized in that each of the distribution rollers (12; 13) is engaged exclusively against the ink dividing roller (11) and against at least one of the respective ink forme rollers (03; 04; 06), wherein the uppermost ink forme roller (06) is positioned such that a horizontal tangent (T06) placed on the periphery of this ink forme roller (06) is located a vertical distance (a06) of at least 50 mm from a horizontal tangent (T02) placed on the periphery of the forme cylinder (02), wherein the respective rotational axis of each roller (03; 04; 06; 08; 09; 11; 12; 13) which transports ink to the forme cylinder (02) is situated below and spaced vertically from the horizontal tangent (T06) placed on the periphery of the uppermost ink forme roller (06), in that the dampening unit allocated to the forme cylinder (02) has a plurality of rollers (18; 21; 22), wherein the respective rotational axis of each roller (18; 21; 22) of the dampening unit is situated substantially below and spaced vertically from a plane defined by the respective rotational axes of the forme cylinder (02) and a transfer cylinder (01) which cooperates with said forme cylinder (02).

4. Assembly according to claim 3, characterized in that the forme cylinder (02) is loaded with a plurality of printing formes.
5. Assembly according to claims 2 or 3, characterized in that a printing forme magazine (58) is placed tangentially against the forme cylinder (02) above the uppermost ink forme roller (06).
6. Assembly according to claim 5, characterized in that the printing forme magazine (58)

- has at least one chute (59; 61), which is aligned substantially horizontally.
7. Assembly according to claim 6, characterized in that the printing forme magazine (58) has at least a first chute (59) for supplying at least one new printing forme to the forme cylinder (02).
  8. Assembly according to claim 6, characterized in that the printing forme magazine (58) has a second chute (61) for receiving at least one printing forme that has been removed from the forme cylinder (02).
  9. Assembly according to claim 7 and 8, characterized in that the two chutes (59; 61) are aligned substantially horizontally and are positioned one above another, spaced from one another vertically.
  10. Assembly according to claim 1 or 4, characterized in that the forme cylinder (02) is loaded with printing formes in a 6/2 configuration.
  11. Assembly according to claim 1 or 3, characterized in that the rotary printing press that has this assembly is configured as a newspaper printing press.
  12. Assembly according to claim 1 or 3, characterized in that the forme cylinder (02) is configured as a double-circumference cylinder (02), wherein the forme cylinder (02) has two longitudinal sections along its circumference, wherein each longitudinal section corresponds to the height of one newspaper page to be printed.
  13. Assembly according to claim 1 or 3, characterized in that the ink dividing roller (11) divides an ink flow (A) coming from the ink fountain roller (08) into a primary flow (B) and a secondary flow (C).

14. Assembly according to claim 13, characterized in that the primary flow (B) of the ink flow (A) coming from the ink fountain roller (08) reaches the forme cylinder (02) spatially in front of the secondary flow (C) in its direction of rotation.
15. Assembly according to claim 3, characterized in that only a single roller (09) is positioned between the ink fountain roller (08) and the ink dividing roller (11).
16. Assembly according to claim 1 or 15, characterized in that this roller (09), which is positioned as the only roller between the ink fountain roller (08) and the ink dividing roller (11), is configured as a film roller (09).
17. Assembly according to claim 16, characterized in that the film roller (09) has a circumferential surface with a stochastic structure.
18. Assembly according to claim 17, characterized in that the stochastic structure is imparted to the circumferential surface of the film roller (09) via shot peening.
19. Assembly according to claim 16, characterized in that the circumferential surface of the film roller (09) has a hardness of at least 60 Shore D.
20. Assembly according to claim 16, characterized in that the circumferential surface of the film roller (09) has a hardness of more than 70 Shore D.
21. Assembly according to claim 16, characterized in that the circumferential surface of the film roller (09) has a hardness ranging from 80 to 90 Shore D.

22. Assembly according to claim 16, characterized in that the film roller (09) has a circumferential surface made of a polyamide.
23. Assembly according to claim 22, characterized in that the polyamide is reinforced with glass fibers.
24. Assembly according to claim 16, characterized in that the film roller (09) has a circumferential surface made of a polyacrylate.
25. Assembly according to claim 16, characterized in that the film roller (09) has a circumferential surface made of copper.
26. Assembly according to claim 16, characterized in that the circumferential surface of the film roller (09) has irregularly distributed depressions ranging in depth from 50  $\mu\text{m}$  to 400  $\mu\text{m}$ .
27. Assembly according to claim 26, characterized in that the open depressions on the circumferential surface of the film roller (09) make up a maximum vacant space ratio of 35 % relative to a closed, assumed cylindrical surface of said film roller (09).
28. Assembly according to claim 1, characterized in that the respective rotational axes of all rollers (03; 04; 06; 08; 09; 11; 12; 13) that transport ink to the forme cylinder (02) are arranged below and spaced vertically from the horizontal tangent (T06) placed on the periphery of the uppermost ink forme roller (06).
29. Assembly according to claim 1, characterized in that a dampening unit is assigned to the forme cylinder (02).

30. Assembly according to claim 29, characterized in that the respective rotational axes of all rollers (18; 21; 22) of the dampening unit are arranged substantially below and spaced vertically from a plane defined by the respective rotational axes of the forme cylinder (02) and a transfer cylinder (01) that cooperates with said forme cylinder (02).
31. Assembly according to claim 3 or 29, characterized in that the dampening unit is configured as a dampening unit that applies a dampening agent to a dampening distribution roller (21) in a contactless manner.
32. Assembly according to claim 3 or 29, characterized in that all rollers (18; 21; 22) of the dampening unit are driven in a frictionless manner.
33. Assembly according to claim 1 or 3, characterized in that the ink dividing roller (11) and/or the ink forme rollers (03; 04; 06) and/or at least the dampening forme roller (18) of the dampening unit, which can be engaged against the forme cylinder (02), are arranged so as to be capable of radial movement, wherein the radial movement of these rollers (03; 04; 06; 11; 18) refers to the fact that the respective axes of these rollers (03; 04; 06; 11; 18), or at least one of the ends of these rollers (03; 04; 06; 11; 18), is displaceable eccentrically in relation to a bearing point that belongs to the respective roller (03; 04; 06; 11; 18) and is fixed on the frame.
34. Assembly according to claim 33, characterized in that the eccentric displacement of the ink dividing roller (11) and/or the ink forme rollers (03; 04; 06) and/or at least the dampening forme roller (18), which can be engaged against the forme cylinder (02), is implemented by means of a plurality of actuators (23) arranged around the respective axes of these rollers (03; 04; 06; 09; 11; 18; 21).

35. Assembly according to claim 34, characterized in that the actuators (23) are arranged symmetrically and concentrically around the respective axis of each of the rollers (03; 04; 06; 09; 11; 18; 21).
36. Assembly according to claim 34, characterized in that those actuators (23) belonging to the same roller (03; 04; 06; 09; 11; 18; 21) are actuated separately and independently of one another via a control unit, and are adjusted along a specific adjustment path.
37. Assembly according to claim 34, characterized in that the actuators (23) are arranged in roller sockets, each of which holds one end of the respective roller (03; 04; 06; 09; 11; 18; 21).
38. Assembly according to claim 34, characterized in that the actuators (23) are pneumatically actuated.
39. Assembly according to claim 34, characterized in that a plurality of actuators (23) arranged at the same end of one of the rollers (03; 04; 06; 09; 11; 18; 21) are actuated simultaneously.
40. Assembly according to claim 13, characterized in that the two ink forme rollers (04; 06), which are engaged against one of the distribution rollers (13) and against the forme cylinder (02), are provided in the secondary flow (C) and divide the secondary flow (C) into two partial flows (D; E).
41. Assembly according to claim 1 or 3, characterized in that one of the two distribution rollers (12; 13) is driven by a drive (53; 54), which is respectively independent of a drive (51; 52) of the forme cylinder (02) or of a transfer cylinder (01) that cooperates with said forme cylinder (02).

42. Assembly according to claim 1 or 3, characterized in that at least one of the distribution rollers (12, 13) has a circumferential surface made of copper or Rilsan.
43. Assembly according to claim 1 or 3, characterized in that a doctor roller (14) is engaged against the ink dividing roller (11), wherein a doctor blade (16) is positioned on the doctor roller (14).
44. Assembly according to claim 43, characterized in that the doctor roller (14) engaged against the ink dividing roller (11) is positioned downstream from the point at which the secondary flow (C) branches off in the direction of rotation of the ink dividing roller (11).
45. Assembly according to claim 1 or 3, characterized in that the ink dividing roller (11) has a circumferential surface made of an elastic material.
46. Assembly according to claim 1 or 3, characterized in that the circumferential surface of the ink dividing roller (11) has a hardness ranging from 50 to 80 Shore A.
47. Assembly according to claim 1 or 3, characterized in that each of the two ends of the forme cylinder (02) or of a transfer cylinder (01) that cooperates with this forme cylinder (02) is mounted in a bearing unit (24), wherein the bearing unit (24) of the respective cylinder (01; 02) permits the creation of a linear adjustment path (S), wherein this adjustment path (S) is aligned substantially orthogonally to a print substrate printed by the transfer cylinder (01).

48. Assembly according to claim 1 or 3, characterized in that ink blades which meter the ink picked up from the ink reservoir (07) in zones are provided on the ink fountain roller (08).
49. Assembly according to claim 3 or 29, characterized in that a stripper roller (17) is provided, wherein the stripper roller (17) is engaged simultaneously against one of the ink forme rollers (03; 04; 06) and against a roller (18; 21; 22) of the dampening unit, which can be engaged against the forme cylinder (02).
50. Assembly according to claim 49, characterized in that the stripper roller (17) is engaged against an ink forme roller (03) which is positioned in the primary flow (8).
51. Assembly according to claim 1 or 3, characterized in that each of the two distribution rollers (12; 13) executes an oscillating movement extending in its respective axial direction, wherein the oscillating movements of the two distribution rollers (12; 13) are directed opposite one another.
52. Assembly according to claim 1 or 3, characterized in that the forme cylinder (02) participates in the printing of a print substrate, which is moved through the rotary printing press at a transport speed of more than 10 m/s.
53. Assembly according to claims 1 or 3, characterized in that it is arranged in a printing tower (44), wherein a plurality of these assemblies are arranged vertically, one above another, in this printing tower (44).
54. Assembly according to claim 53, characterized in that the print substrate is guided vertically through the printing tower (44).

55. Assembly according to claim 54, characterized in that the plurality of assemblies arranged vertically, one above another, in the printing tower (44) participate in printing on the same side of the print substrate.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/227,647	11/24/2008	Georg Schneider	W1.2738 PCT-US	1387

23294 7590 11/08/2010  
JONES, TULLAR & COOPER, P.C.  
P.O. BOX 2266 EADS STATION  
ARLINGTON, VA 22202

EXAMINER

HINZE, LEO T

ART UNIT	PAPER NUMBER
2854	

MAIL DATE	DELIVERY MODE
11/08/2010	PAPER

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

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



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

**In re Application of**

**SCHNEIDER et al**

**Application No.: 12/227,647**

**Filed: 24 November 2008**

**Attorney Docket No.: W1.2738 PCT-US**

**For: ASSEMBLIES IN THE PRINTING  
UNIT OF A ROTARY PRESS**

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

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed 07 October 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

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

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

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

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

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

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

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

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



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



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/227,807	06/22/2009	Yolanda Rodemer	0206/80018/GJG	6979
23432	7590	03/30/2011	EXAMINER	
COOPER & DUNHAM, LLP			GEMBEH, SHIRLEY V	
30 Rockefeller Plaza			ART UNIT	PAPER NUMBER
20th Floor			1628	
NEW YORK, NY 10112			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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MAR 30 2011

COOPER & DUNHAM LLP  
30 Rockefeller Plaza  
20<sup>th</sup> Floor  
New York, NY 10112

In re Application of : DECISION ON REQUEST TO  
YOLANDA RODEMER : PARTICIPATE IN PATENT  
Application No. 12/227,807 : PROSECUTION HIGHWAY  
Filed: June 22, 2009 : PROGRAM AND PETITION  
Attorney Docket No. 0206/80018/GJG : 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 24, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

- (1) The U.S. application is (a) a Paris Convention application which either (i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the EPO, or (ii) validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims, or (b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application (i) validly claims priority under 35 U.S.C. 365(b) to an application filed in the 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, or (c) a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application (i) validly claims priority under 35 U.S.C. 365(b) to an application filed in the 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) The EPO application(s) have at least one claim that was determined by the EPO to be allowable;
- (3) All the claims in each U.S. application for which a request for participation in the PPH pilot program is made must sufficiently correspond or be amended to sufficiently correspond to the allowable claims 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 (which are relevant to patentability) from each of the EPO application(s) containing the allowable claims that are the basis for the request;
- (6) Applicant must submit a copy of the allowable claims from the EPO application(s);
- (7) Applicant must submit a claim correspondence table in English; and

(8) Applicant must submit an information disclosure statement (IDS) listing the documents cited by the EPO examiner in the EPO Office action or in the positive EESR (unless such an IDS has already been filed in the U.S. 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.

Telephone inquiries concerning this decision should be directed to Cecilia Tsang at 571-272-0562.

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>.

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

/Cecilia Tsang/  
Supervisory Patent Examiner  
TC 1600



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**FEB 09 2012**

**OFFICE OF PETITIONS**

In re Application of Monopoli et al. :  
Application No. 12/227,817 : Decision on Petition  
371(c) Date: November 29, 2008 :  
Attorney Docket No. P12258-US-PCT :

This is a decision on the petition under 37 CFR 1.137(b) filed January 6, 2012, which requests revival of the above-identified application.

The petition is **granted**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed July 9, 2010, which set a shortened statutory period for reply of three (3) months. An extension of time under the provisions of 37 CFR 1.136(a) was not obtained. Accordingly, the above-identified application became abandoned on Wednesday, October 13, 2010. A Notice of Abandonment was mailed January 28, 2011.

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

- (1) The reply required to the outstanding Office action or notice, unless previously filed,
- (2) The petition fee, and
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.<sup>1</sup>

The petition satisfies the requirements of 37 CFR 1.137(b) in so far as petitioner has supplied (1) a reply to the July 9, 2010 Office action, (2) the required petition fee of \$1,860, and (3) the required statement of unintentional delay. Therefore, the petition is granted and the application is revived.

The individual who signed the petition does not appear to have been an attorney or agent of record at the time the application became abandoned. Therefore, it appears the individual may

<sup>1</sup> 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.

not have been in a position to have firsthand or direct knowledge of the facts and circumstances of the delay. Nevertheless, the statement by the individual that the entire delay was unintentional is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay.<sup>2</sup> In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that a portion of the delay from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was intentional, petitioner must notify the Office.

Technology Center Art Unit 3657 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

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<sup>2</sup> See Changes to Patent Practice and Procedure, 62 *Fed. Reg.* at 53160 and 53178; 1203 *Off. Gaz. Pat. Office* at 88 and 103 (responses to comments 64 and 109) (applicant obligated under 37 CFR 10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 CFR 1.137(b) to the Patent and Trademark Office).



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/227,843	11/26/2008	Martin Korbling	128540.0005.003	8328
66558	7590	01/31/2011	EXAMINER HAND, MELANIE JO	
Houston IP Department JACKSON WALKER L.L.P. 1401 McKinney St. Suite 1900 Houston, TX 77010			ART UNIT	PAPER NUMBER
			3761	
			MAIL DATE	DELIVERY MODE
			01/31/2011	PAPER

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

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



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Houston IP Department  
JACKSON WALKER L.L.P.  
1401 McKinney St.  
Suite 1900  
Houston TX 77010

In re Application of:  
KORBLING, MARTIN et al  
Serial No. 12/227,843  
Filed: Nov. 26, 2008  
Docket: 128540.0005.003

::  
::  
:  
::

DECISION ON PETITION

Title: DEVICES AND METHODS FOR  
EXTRACORPOREAL ABLATION OF  
CIRCULATING CELLS

This is a decision on the petition filed Oct. 15, 2010 to make the application special. In the petition, petitioner requests expedited handling of this application under 37 CFR § 1.496(b).

The petition is dismissed as moot.

A review of the application shows that this is an application filed under 35 USC 371. The applicant does not need to file a petition to have his 371 case be taken out of turn for examination where the USPTO was the ISA/IPEA and the written opinion stated that all the claims have novelty, inventive step and industrial applicability. This is automatic under the rule, 37 CFR 1.496(b). Therefore, this 371 application will be handled expeditiously and examined out of turn. No petition is necessary under 37 CFR 1.496(b). The petition is now dismissed as moot.

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

PETITION DISMISSED AS MOOT.

Angela D. Sykes, Director  
Technology Center 3700



07 SEP 2010

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

In re Application of :  
BERNÖGGER et al. :  
Application No.: 12/227,857 : DECISION on  
PCT No.: PCT/AT07/00246 :  
Int. Filing Date: 24 May 2007 : PETITION UNDER  
Priority Date: 01 June 2006 :  
Attorney Docket No.: 66376-459-7 : 37 CFR 1.137(b)  
For: DRIVE DEVICE FOR A WATERCRAFT :

This is a decision on applicant's "Petition under 37 CFR 1.137(b)" filed in the above identified application 16 July 2010.

### BACKGROUND

On 01 December 2008, applicant filed a Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 U.S.C. 371 (Form PTO 1390) along with, *inter alia*, the basic national fee and an incomplete English translation of the international application PCT/AT07/00246.

On 14 October 2009, a Notification of Missing Requirements (Form PTO/DO/EO/905) was mailed to applicant, indicating that the current translation of the application into English was defective because the text in the drawings had not been translated. Applicant was also advised that the processing fee for filing the English translation of the international application was required. The time period set for reply was two months from the mail date of the notice. Extensions of time were available under 37 CFR 1.136(a).

On 21 October 2009, applicant filed a response to the Notification stating that the text in the drawings was not part of the drawings but identified the pages as "Replacement sheet (Rule 26)". Applicant did not submit new drawings sheet with the English translation of the foreign text.

On 29 December 2009, a Notification of Defective Response (Form PTO/DO/EO/916) was mailed to applicant indicating that the response submitted on 21 October 2009 was not acceptable. Applicant was advised that "ALL foreign text MUST be translated, whether it is considered to be 'a part of the drawing' or not (the examiner needs a translation to make that determination)." Applicant was further advised that *a proper set of translated drawings is required*. The processing fee was also required. The time period within which to reply was set at one month from the mail date of the Notification or the time remaining in the response set forth in the 905, with the period for response set in the Notification of Missing Requirements

extendable under 37 CFR 1.136(a) (by 14 May 2010).

On 14 January 2010, applicant filed a response to accept a statement of translation of the terms in drawing sheets 1-4 of the foreign language text along with the processing fee. New drawings with the English language translation of the text were not submitted.

On 28 June 2010, a decision dismissing the response was mailed indicating that application had not provided a proper reply to the Notification of Defective Response.

### **DISCUSSION**

A petition under 37 CFR 1.137(b) must be accompanied by (1) a proper response unless it has been previously submitted, (2) the fee required by law for revival of an unintentionally abandoned application (1.17(m)), and (3) a statement that the "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional".

The required petition fee of \$810 was paid. Applicant's statement that "the delay in filing a proper response to the Notification of Defective Response by the due date of January 29, 2010 and the entire delay thereafter to the filing of a grantable petition to revive was unintentional" has been interpreted as meaning that "entire delay in filing the required reply from the due date for the reply until the filing of this petition under 37 CFR 1.137(b) was unintentional" as required by 37 CFR 1.137(b)(3) at the time of filing this petition. If this is an incorrect interpretation in view of the rules, petitioner is required to promptly notify this office.

Applicant provided the proper reply with the submission of new drawings with the English translation of the text. The petition to revive is granted.

### **CONCLUSION**

For the reasons set forth above, the petition to revive under 37 CFR 1.137(b) is **GRANTED**. The new drawings submitted on 16 July 2010 are acceptable as filed.

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 16 July 2010.

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



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103 Oronoco St.  
Suite 220  
Alexandria VA 22314

**MAILED**

**JUL 11 2011**

**PCT LEGAL ADMINISTRATION**

In re Application of : DECISION ON REQUEST  
BAILEY et al. :  
Application No.: 12/227,859 : FOR WITHDRAWAL  
Attorney's Docket No.: 16667NP :  
For: METHOD AND APPARATUS FOR :  
TATTOO PREVIEWING :

This is in response to the "REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS" (Form PTO/SB/83) filed 05 April 2011. Wendy M. Slade has requested that the practitioners of record associated with Customer No. 000293 be withdrawn as attorney or agent of record. No fee is required.

The request to withdraw as attorney of record is **NOT APPROVED**. The Office no longer approves 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. See *Change in Procedure for Requests to Withdraw from Representation in a Patent Application*, 1329 OG 99, April 8, 2008 at 101.

The correspondence address has been changed to the most current address information for the first named inventor: Michael J. Bailey, P.O. Box 1173, Hagersville, Ontario N0A 1H0, Canada.

The change of correspondence address is effective from the mailing date of this decision. Papers mailed by the USPTO before the mailing date of this decision will not be re-mailed.

/Daniel Stemmer/

Daniel Stemmer  
Legal Examiner  
PCT Legal Affairs  
Office of Patent Cooperation Treaty  
Legal Administration  
Telephone: (271) 272-3301

Michael J. Bailey  
P.O. Box 1173  
Hagersville  
Ontario N0A 1H0  
Canada

<b>Doc Code: PET.AUTO</b>		PTO/SB/83
<b>Document Description: Petition automatically granted by EFS-Web</b>		U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12227859	
Filing Date	25-Jan-2010	
First Named Inventor	Michael Bailey	
Art Unit	2628	
Examiner Name	FIKRU GENNENE	
Attorney Docket Number	16667NP	
Title	Method for Apparatus for Tattoo Previewing	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		293
The reason(s) for this request are those described in 37 CFR: 10.40(c)(1)(v)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Michael J. Bailey	
Address	P.O. Box 1173	
City	Hagersville	
State		
Postal Code	NOA 1H0	
Country	CA	

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

Signature	/Wendy M. Slade/
Name	Wendy M. Slade
Registration Number	53604



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Decision Date : September 2,2011

In re Application of :

Michael Bailey

Application No : 12227859

Filed : 25-Jan-2010

Attorney Docket No : 16667NP

DECISION ON REQUEST TO WITHDRAW AS  
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed September 2,2011

The request is **APPROVED**.

The request was signed by Wendy M. Slade (registration no. 53604 ) on behalf of all attorneys/agents associated with Customer Number 293 . All attorneys/agents associated with Customer Number 293 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 Michael J. Bailey  
Name2  
Address 1 P.O. Box 1173  
Address 2  
City Hagersville  
State  
Postal Code NOA 1H0  
Country CA

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.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

<b>PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION                      UNDER 37 CFR 1.102(c)(1)</b>					
<b>Application Information</b>					
Application Number	12/227,862	Confirmation Number	2605	Filing Date	2008-12-01
Attorney Docket Number (optional)	138817	Art Unit	3727	Examiner	Michael Jennings
First Named Inventor	Franz Fischer				
Title of Invention	Electric Toothbrush, and Transmission for an Electric Toothbrush				
<p><b>Attention: Office of Petitions</b>                      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).</p> <p>APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.</p> <p>A grantable petition requires one of the following items:                      (1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or                      (2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.</p>					
<p><b>Name of Inventor who is 65 years of age, or older</b></p>					
Given Name	Middle Name	Family Name	Suffix		
Franz	Josef	Fischer			
<p>A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the format of the signature.</p> <p>Select (1) or (2) :</p> <p><input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.</p> <p><input checked="" type="radio"/> (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.</p>					
Signature	/Steven D. Jinks/		Date (YYYY-MM-DD)	2011-08-31	
Name	Steven D. Jinks		Registration Number	62760	

## Privacy Act Statement

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

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

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



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In re Application of  
Franz Fischer

:  
:

Application No. 12227862

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

Filed: December 1,2008

:

Attorney Docket No. 138817

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 31-AUG-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.



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**THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP**  
**600 GALLERIA PARKWAY, S.E.**  
**STE 1500**  
**ATLANTA GA 30339-5994**

**MAILED**  
**JUN 07 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Jen-Shyan Chen :  
Application No. 12/227,867 : **DECISION ON PETITION**  
Filed: December 1, 2008 :  
Attorney Docket No. 340902-1270 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 13, 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 April 11, 2011, as required by the Notice of Allowance and Fee(s) Due mailed January 10, 2011. Accordingly, the date of abandonment of this application is April 12, 2011. A Notice of Abandonment was mailed April 18, 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 and the publication fee of \$300.00, (2) the petition fee of \$810.00; and (3) a proper statement of unintentional delay.

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

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

/Joan Olszewski/  
Joan Olszewski  
Petitions Examiner  
Office of Petitions



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United States Patent and Trademark Office  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/227,914	12/02/2008	Akira Taniguchi	FUJ00682P00980US	6181
32116	7590	07/19/2011	EXAMINER	
WOOD, PHILLIPS, KATZ, CLARK & MORTIMER 500 W. MADISON STREET SUITE 3800 CHICAGO, IL 60661			KALBACH JR, JOSEPH E	
			ART UNIT	PAPER NUMBER
			3751	
			MAIL DATE	DELIVERY MODE
			07/19/2011	PAPER

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

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



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WOOD, PHILLIPS, KATZ, CLARK & MORTIMER  
500 W. MADISON STREET  
SUITE 3800  
CHICAGO IL 60661

<i>In re</i> Application of:	:	DECISION ON A REQUEST TO
TANIGUCHI, AKIRA	:	PARTICIPATE IN PATENT
Serial No.: 12/227914	:	PROSECUTION HIGHWAY
Filed: December 2, 2008	:	PROGRAM AND PETITION
Attorney Docket No. : FUJ00682P00980US	:	TO MAKE SPECIAL UNDER
Title: TABLET FILLING INSTRUMENT	:	CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed July 14, 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 corresponding application(s) 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 IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition met all conditions except Item #5 above.

There is no JPO Office action and search report provided with the petition. There is no JPO office action indicates the patentability of claims 1-9. An Office action and/or search opinion showing the patentability of claims 1-9 are required.

Applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn. Response must be filed via EFS-Web.

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

Petition is **dismissed**.

/Henry C. Yuen/

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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.
12/227,914	12/02/2008	Akira Taniguchi	FUJ00682P00980US	6181
32116	7590	08/04/2011	EXAMINER	
WOOD, PHILLIPS, KATZ, CLARK & MORTIMER			KALBACH JR, JOSEPH E	
500 W. MADISON STREET			ART UNIT	PAPER NUMBER
SUITE 3800			3751	
CHICAGO, IL 60661			MAIL DATE	DELIVERY MODE
			08/04/2011	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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WOOD, PHILLIPS, KATZ, CLARK & MORTIMER  
500 W. MADISON STREET  
SUITE 3800  
CHICAGO IL 60661

*In re* Application of:  
TANIGUCHI, AKIRA

Serial No.: 12/227914

Filed: December 2, 2008

Attorney Docket No. : FUJ00682P00980US

Title: TABLET FILLING INSTRUMENT

:  
: DECISION ON A REQUEST TO  
: PARTICIPATE IN PATENT  
: PROSECUTION HIGHWAY  
: PROGRAM AND PETITION  
: TO MAKE SPECIAL UNDER  
: CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed July 27, 2011 to make the above-identified application special.

The request and petition are **granted**.

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

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more corresponding application(s) 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 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.

A previous decision on the instant petition was mailed on July 19, 2011. The previous decision stated that the petition was dismissed because no JPO Office action or search report was ever provided. Since then, Applicant has submitted the Decision to Grant a Patent in the Japan priority application. In addition, Applicant has submitted claims 1-9 as granted in the priority application. The claims in the U.S. application all correspond to the allowable JPO counterpart. On a review of the record, it is also found that Applicant has submitted copies of all the documents cited by the JPO examiner in the Decision to Grant a Patent.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Applicant has corrected the deficiencies in a timely manner within the given one month period. 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.

Response must be filed via EFS-Web. Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

Petition is **granted**.

/Henry C. Yuen/

---

Henry C. Yuen  
Special Programs Examiner  
Technology Center 3700  
Tel: 571-272-4856



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**MAILED**  
**AUG 08 2011**  
**OFFICE OF PETITIONS**

**EUGENE OAK**  
**610 S. VAN NESS AVE**  
**LOS ANGELES CA 90005**

In re Application of :  
LEHOVEC :  
Application No. 12/228,030 : ON PETITION  
Filed: August 8, 2008 :  
Attorney Docket No. :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 20, 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, August 25, 2010, which set a shortened statutory period for reply of **three (3) months**. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 26, 2010. A Notice of Abandonment was mailed March 3, 2011.

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

In respect to item (1): The petition filed June 20, 2011, indicates an amendment was filed in response to the Office action dated August 25, 2010. In this regard the reply cannot be accepted as being the required reply and does not meet the requirements as set forth under 37 CFR 1.137(b) because the amendment is not in the proper format. See 37 CFR 1.121 and 37 CFR 1.84. Questions in reference to the Office action should be directed to the Examiner at (571) 272-1450.

Petitioner has 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 petitioner and petitioner's representative. Accordingly, petitioner must conduct all future correspondence with this Office through the representative of record. If petitioner no longer wishes to be represented by the representative of record, then a revocation of the power of attorney or patent agent should be submitted. A correspondence address must be included on the correspondence instructing the Office where all future communications are to be mailed. *See* 37 CFR 1.33(a).

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

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

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

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

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

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

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

cc:     KURT LEHOVEC  
          200 S. WESTMORELAND AVE.  
          LOS ANGELES, CA 90004



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Alexandria, VA 22313-1450  
www.uspto.gov

**KURT LEHOVEC**  
**200 S. WESTMORELAND AVE.**  
**LOS ANGELES CA 90004**

**MAILED**  
**SEP 09 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
LEHOVEC :  
Application No. 12/228,030 : **ON PETITION**  
Filed: August 8, 2008 :  
Attorney Docket No. :

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, August 25, 2010, which set a shortened statutory period for reply of **three (3) months**. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 26, 2010. A Notice of Abandonment was mailed March 3, 2011.

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

The Revocation Power of Attorney filed August 22, 2011, has been reviewed and accepted.

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

This application is being referred to Technology Center AU 1771 for appropriate action by the Examiner in the normal course of business.

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



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/228,030	08/08/2008	Kurt Lehovec	911-8921D

Kurt Lehovec  
200 S. Westmoreland Ave.  
Los Angeles, CA 90004

**CONFIRMATION NO. 3388**  
**POA ACCEPTANCE LETTER**



Date Mailed: 09/08/2011

**NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 08/22/2011.

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.

/tnguyen/

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



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/228,030	08/08/2008	Kurt Lehovec	911-8921D

Eugene Oak  
610 S. Van Ness Ave  
Los Angeles, CA 90005

**CONFIRMATION NO. 3388**  
**POWER OF ATTORNEY NOTICE**



Date Mailed: 09/08/2011

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 08/22/2011.

- 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).

/tnnguyen/

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



**JONATHAN P. O'BRIEN, PH.D.**  
**HONIGMAN MILLER SCHWARTZ AND COHN LLP**  
**350 EAST MICHIGAN AVENUE**  
**SUITE 300**  
**KALAMAZOO MI 49007**

**MAILED**  
**DEC 30 2011**  
**OFFICE OF PETITIONS**

In re Application of	:	
<b>VRTIS, Joan K. et al.</b>	:	
Application No. 12/228,046	:	<b>DECISION ON PETITION</b>
Filed: August 08, 2008	:	<b>TO WITHDRAW</b>
Attorney Docket No. <b>223740-123714</b>	:	<b>FROM RECORD</b>
	:	

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 15, 2011.

The request is **NOT APPROVED**.

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

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

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

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

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

/Michelle R. Eason/  
Michelle R. Eason  
Paralegal Specialist  
Office of Petitions

Cc: **GEORGE L. MILLER, ESQ.**  
**1628 JOHN F. KENNEDY BLVD., SUITE 950**  
**PHILADELPHIA, PA 19103-2110**



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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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JONATHAN P. O'BRIEN, PH.D.  
HONIGMAN MILLER SCHWARTZ AND COHN LLP  
350 EAST MICHIGAN AVENUE  
SUITE 300  
KALAMAZOO, MI 49007

**MAILED**

**FEB 27 2012**

In re Application of  
Joan K. VRTIS et al.  
Application No. 12/228,046  
Filed: August 08, 2008  
Attorney Docket No. 223740-123714

**OFFICE OF PETITIONS**

**DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 17, 2012.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Noel Day on behalf of all attorneys of record who are associated with customer No. 83332. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the new address indicated below.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

/Michelle R. Eason/  
Michelle R. Eason  
Paralegal Specialist  
Office of Petitions

cc: **GEORGE L. MILLER, ESQ.**  
**1628 JOHN F. KENNEDY BLVD., SUITE 950**  
**PHILADELPHIA, PA 19103-2110**



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
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PAUL EUGENE WABEKE  
P.O. BOX # II 32  
HOLLAND MI 49422

**MAILED**

**OCT 25 2010**

**OFFICE OF PETITIONS**

In re Application of  
Paul Eugene Wabeke  
Application No. 12/228,062  
Filed: December 4, 2009  
Attorney Docket No.

DECISION ON PETITION

This is a decision on the petitions filed June 15, 2010, in the above-identified application.

Petitioner has requested for a petition to revive under 37 CFR 1.137(a) and (b) based on unavoidable and unintentional delay. However, filing for a petition to revive an abandoned application based on 37 CFR 1.137(a) unavoidable delay requires a fee of \$270 and 1.137(b) unintentional delay requires a fee of \$810. Therefore, since the petitions in the above-identified application was not accompanied by either the \$270 or \$810 fee. The petition is hereby **DISMISSED**.

No consideration on the merits can be given to the petitions until the required fee is received.

For petitioner's convenience enclosed with this decision are blank copies of the petition for revival of an application for patent abandoned unavoidably (PTO/SB/61) and unintentionally (PTO/SB/64). Petitioner is encouraged to use these forms.

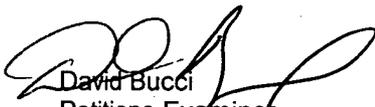
Further correspondence with respect to this matter should be addressed as follows:

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 JoAnne Burke at (571) 272-4584.

  
David Bucci  
Petitions Examiner  
Office of Petitions

Enclosure: Blank PTO/SB/61 and PTO/SB/64 forms for revival

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.

<b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)</b>	Docket Number (Optional)
--	--------------------------

First Named Inventor: \_\_\_\_\_ Art Unit: \_\_\_\_\_  
 Application Number: \_\_\_\_\_ Examiner: \_\_\_\_\_  
 Filed: \_\_\_\_\_  
 Title:

Attention: Office of Petitions  
**Mail Stop Petition**  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact  
 Petitions Information at (571) 272-3282.

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) Adequate showing of the cause of unavoidable delay.

**1. Petition fee**

- Small entity – fee \$ \_\_\_\_\_ (37 CFR 1.17(l)). Applicant claims small entity status.  
 See 37 CFR 1.27.
- Other than small entity – fee \$ \_\_\_\_\_ (37 CFR 1.17(l)).

**2. Reply and/or fee**

**A** The reply and/or fee to the above-noted Office action in the form of \_\_\_\_\_ (identify the type of reply):

- has been filed previously on \_\_\_\_\_
- is enclosed herewith.

**B** The issue fee of \$ \_\_\_\_\_

- has been filed previously on \_\_\_\_\_
- is enclosed herewith.

This collection of information is required by 37 CFR 1.137(a). 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 8 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: Mail Stop Petition, 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.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

## 3. Terminal disclaimer with disclaimer fee

- Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

## 4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

_____ Signature	_____ Date
_____ Typed or printed name	_____ Registration Number, if applicable
_____ Address	_____ Telephone Number
_____ Address	

- Enclosure  Fee Payment
- Reply
- Terminal Disclaimer Form
- Additional sheets containing statements establishing unavoidable delay
- \_\_\_\_\_

**CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))**

I hereby certify that this correspondence is being:

- deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

_____ Date	_____ Signature
_____ Typed or printed name of person signing certificate	

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 FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

\_\_\_\_\_

Signature

\_\_\_\_\_

Date

\_\_\_\_\_

Typed or printed name

\_\_\_\_\_

Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

[Empty space for explanation of delay]

*(Please attach additional sheets if additional space is needed.)*

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Doc Code: PET.OP

Document Description: Petition for Review by the Office of Petitions

PTO/SB/64 (07-09)

Approved for use through 07/31/2012. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

First named inventor: \_\_\_\_\_

Application No.: \_\_\_\_\_

Art Unit: \_\_\_\_\_

Filed: \_\_\_\_\_

Examiner: \_\_\_\_\_

Title:

Attention: Office of Petitions

**Mail Stop Petition**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

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

**1. Petition Fee**

Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Application claims small entity status. See 37 CFR 1.27.

Other than small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in

the form of \_\_\_\_\_ (identify type of reply):

has been filed previously on \_\_\_\_\_.

is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ \_\_\_\_\_.

has been paid previously on \_\_\_\_\_.

is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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## 3. Terminal disclaimer with disclaimer fee

- Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. 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. [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 (III)(C) and (D)).]

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

\_\_\_\_\_  
Signature\_\_\_\_\_  
Date\_\_\_\_\_  
Type or Printed name\_\_\_\_\_  
Registration Number, If applicable\_\_\_\_\_  
Address\_\_\_\_\_  
Telephone Number\_\_\_\_\_  
Address

Enclosures:

- Fee Payment
- Reply
- Terminal Disclaimer Form
- Additional sheets containing statements establishing unintentional delay
- Other: \_\_\_\_\_

**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

- Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.
- Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

\_\_\_\_\_  
Date\_\_\_\_\_  
Signature\_\_\_\_\_  
Typed or printed name of person signing certificate

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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DICKSTEIN SHAPIRO LLP  
2049 CENTURY PARK EAST  
SUITE 700  
LOS ANGELES CA 90067

**MAILED**  
**MAR 08 2012**  
**OFFICE OF PETITIONS**

In re Application of :  
Kevin Keller et al :  
Application No. 12/228,072 : DECISION GRANTING PETITION  
Filed: December 7, 2007 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. K0040.0001 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, March 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 February 2, 2012 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.**

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 3769 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/  
Irvin Dingle  
Petitions Examiner  
Office of Petitions

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<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).



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**ARNOLD & PORTER LLP  
ATTN: IP DOCKETING DEPT.  
555 TWELFTH STREET, N.W.  
WASHINGTON DC 20004-1206**

**MAILED**

**NOV 12 2010**

**OFFICE OF PETITIONS**

In re Application of :  
Melfi Maria Jimenez et al. :  
Application No. 12/228,073 : DECISION ON PETITION  
Filed: February 8, 2008 : TO WITHDRAW  
Attorney Docket No. P30834US00 : 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 6, 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



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**ARNOLD & PORTER LLP  
ATTN: IP DOCKETING DEPT.  
555 TWELFTH STREET, N.W.  
WASHINGTON DC 20004-1206**

**MAILED**

**NOV 22 2010**

**OFFICE OF PETITIONS**

In re Application of :  
Melfi Maria Jimenez et al. :  
Application No. 12/228,073 : **DECISION ON PETITION**  
Filed: February 8, 2008 : **TO WITHDRAW**  
Attorney Docket No. P30834US00 : **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 10, 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.

Please submit a copy of the actual assignment and/or a current Statement under 37 CFR 3.73(b) with a renewed request.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 4618.

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions



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**ARNOLD & PORTER LLP  
ATTN: IP DOCKETING DEPT.  
555 TWELFTH STREET, N.W.  
WASHINGTON DC 20004-1206**

**MAILED**

**JAN 10 2011**

In re Application of  
Melfi Maria Mimenez et al.  
Application No. 12/228,073  
Filed: February 8, 2008  
Attorney Docket No. P30834US00

**OFFICE OF PETITIONS**

**DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 20, 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 David R. Marsh on behalf of all attorneys/agents of record. All attorneys/agents of record have been withdrawn.

The correspondence address has been changed and is copied below.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions

cc: Mr. Michael A. Abate  
Vice President Finance Treasurer  
Urban Brands, Inc.  
100 Metro Way  
Secaucus, NJ 07094



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/228,073	02/08/2008	Melfi Maria Jimenez	P30834US00

**CONFIRMATION NO. 5568**

**POWER OF ATTORNEY NOTICE**

28381  
ARNOLD & PORTER LLP  
ATTN: IP DOCKETING DEPT.  
555 TWELFTH STREET, N.W.  
WASHINGTON, DC 20004-1206



Date Mailed: 01/05/2011

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 12/20/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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**JOHN E. SIMMS JR.**  
**6803 York Road, Suite 202**  
**Baltimore, MD 21212**

**MAILED**

**MAR 21 2011**

**OFFICE OF PETITIONS**

In re Application of  
Elizabeth A. Grist  
Application No. 12/228,091  
Filed: March 28, 2008  
Attorney Docket No. 09-104

**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 2, 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 John E. Simms, R. 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 Elizabeth A. Grist 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: **Elizabeth A. Grist**  
**c/o T.E. Brangs, Inc.**  
**P.O. box 43127**  
**Baltimore, MD 21236**



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/228,091	03/28/2008	Elizabeth A. Grist	09-104

34590  
JOHN E. SIMMS JR.  
6803 YORK ROAD, SUITE 202  
BALTIMORE, MD 21212

**CONFIRMATION NO. 2391**  
**POWER OF ATTORNEY NOTICE**



Date Mailed: 03/15/2011

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 02/02/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tsjohnson/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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**LUKINS & ANNIS**  
**717 WEST SPRAGUE AVE., SUITE 1600**  
**SPOKANE WA 99201**

**MAILED**

**JUN 08 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Ian SCOTT et al. : DECISION ON PETITION  
Application No. 12/228,123 : UNDER 37 CFR 1.137(b)  
Filed: August 11, 2008 :  
Atty. Docket No.: GSI - FOLDING POT HANDLE

This is a decision on the petition under 37 CFR 1.137(b) filed April 28, 2011, to revive the above-identified application.

The petition is **GRANTED**.

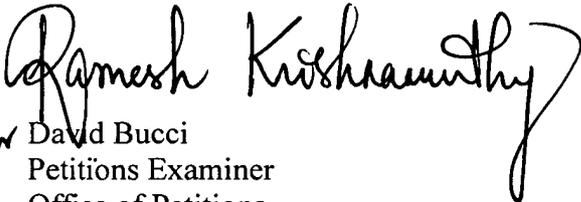
The application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Fees Due mailed December 10, 2010, which set a statutory period of reply of three (3) months. No extensions of time under 37 CFR 1.136(a) was obtained. The application thus became abandoned on March 11, 2011. A Notice of Abandonment was mailed March 28, 2011.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of payment of the issue fee and publication fee in accordance with the Notice of Allowance and Fee(s) Due, and replacement drawings, (2) a petition fee of \$810, and (3) a statement of unintentional delay. The reply to the Notice is accepted as having been unintentionally delayed.

Further correspondence with respect to this matter should be addressed as follows:

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 Data Management for further processing.

  
for David Bucci  
Petitions Examiner  
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/228,174	08/11/2008	Aaron J. Wiegel	92/A08-019A	4148
34431	7590	12/21/2011	EXAMINER	
HANLEY, FLIGHT & ZIMMERMAN, LLC			TORNOW, MARK W	
150 S. WACKER DRIVE			ART UNIT	
SUITE 2100			PAPER NUMBER	
CHICAGO, IL 60606			2891	
			NOTIFICATION DATE	
			DELIVERY MODE	
			12/21/2011	
			ELECTRONIC	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mhanley@hfzlaw.com  
jflight@hfzlaw.com  
docketing@hfzlaw.COM



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COMMISSIONER FOR PATENTS  
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HANLEY, FLIGHT & ZIMMERMAN, LLC  
150 S. Wacker Dr.  
Suite 2100  
Chicago, IL 60606

In re Application of: Wiegel, et al  
Serial No.: 12/228174  
Filed: August 11, 2008

:  
: PETITION FOR CORRECTION OF  
: INVENTORSHIP  
: UNDER 37 CFR § 1.48(a)  
:

This is a decision on the petition filed 26 May 2010 to correct inventorship under 37 CFR 1.48 (a).

The petition is GRANTED.

In view of the papers filed 26 May 2010 it has been found that this nonprovisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 CFR 1.48 (a). The inventorship of this application has been changed by adding:

**Donald P. Grant**  
**Joseph Korman Jr.**  
**Jason Dondlinger**

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.

/Kiesha Bryant/ \_\_\_\_\_  
Kiesha R. Bryant  
Supervisory Patent Examiner,  
Art Unit 2891



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/228,196	08/11/2008	Frank J. Viola	2865 CON 2 (203-3485CON 2)	4862
50855	7590	01/10/2011	EXAMINER	
Tyco Healthcare Group LP d/b/a Covidien 555 Long Wharf Drive Mail Stop 8-N1, Legal Department New Haven, CT 06511			SMITH, SCOTT A	
			ART UNIT	PAPER NUMBER
			3721	
			MAIL DATE	DELIVERY MODE
			01/10/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



specified in the claims. Therefore, the knife being slidable transverse to a longitudinal axis, and the knife being slidable independent of movement of the firing mechanism must be shown or the feature(s) canceled from the claim(s). The examiner also objected to the subsequent Replacement drawing Figure 18 filed on April 8, 2010 because it introduces new matter; i.e. the wedge shaped portion adjacent tab 802, the blade portion 801, and the knife traversing in the direction of arrow "A", is new, and was not originally set forth in the drawing. In addition, the examiner also objected to the amended specification filed on April 8, 2010 under 35 USC 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. In the particular, the examiner explained that "added material which is not supported by the original disclosure is as follows: The knife traversing the opening which is now disclosed to be between the holder 26 and the frame 28, the knife traversing in a direction of arrow "A", the tissue being in the opening between the holder 26 and frame 28, the knife being mechanically associated with the holder 26, the knife including a blade portion 801, the portion 801 extending into the opening, as well as the finger tab 802 being moved by a clinician, and the knife being moved relative to the holder 26 and frame 28 to cause movement of the portion 801 through the opening. The specification as originally filed merely states on page 14, lines 2-4, that FIG 18 illustrates another embodiment incorporating a built-in knife 800 which traverses the opening in the U-shaped frame 28 to sever the tissue subsequent to firing an array of staples. The knife includes a finger tab 802 for manual operation. This fails to disclose any details of the opening, tab, knife portion, etc. In fact, the proposed knife assembly 800-802 doesn't appear to be adjacent the opening, but rather adjacent the holder 26."

In the final rejection, the examiner also included a rejection of claims 41-58 under first paragraph of 35 USC § 112 as failing to comply with written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In the particular, the examiner explained that "only occurrence of the knife as originally filed in the specification, is on page 14, lines 2-4. This only is a nominal recitation. This does not show any details of the knife itself, how it is guided within the u-shaped frame, or how a knife cuts tissue. The specification sets forth that element 800 is the knife. It cannot be understood how this is element is a knife, or how it can move in a transverse direction. The element depicted as 800 in Fig. 18 appears to be movable in a longitudinal direction, despite the arrow direction to the contrary. Further, the only discernable cutting edge appears to be parallel to a transverse direction depicted by the arrow in the fig. 18. Therefore, how can any cutting take place? Fig. 18 appears to show a knife 800 attached to a finger tab 802. However, there is no apparent way the knife can traverse across an opening (presumably the space between the anvil and staple cartridge). There is no knife channel disclosed or shown. In fact, it appears that the knife is fixed to or integral with the portion of the stapler in which the transversely directed arrow is located. Further, assuming that the portion 800 is a blade, it cannot be seen how it could cut tissue since it

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be illustrated in the drawing in the form of a graphical drawing symbol or a labeled representation (e.g., a labeled rectangular box). In addition, tables and sequence listings that are included in the specification are, except for applications filed under 35 U.S.C. 371, not permitted to be included in the drawings.

rests against a side of the staple cartridge. Even if the staple cartridge were to be retracted, it is not shown or disclosed how the knife would remain in a distal position. Additionally, the specification fails to disclose that the knife is movably mounted to the U-shaped frame in a direction transverse to a longitudinal axis, as well as being slidable independent of movement of the firing mechanism. The original disclosure merely sets forth that the knife traverses the opening via a manually manipulated member mounted adjacent the U-shaped frame." On page 5 of the final rejection, the examiner stated that "the amendment to the specification setting forth that the knife traverses the opening which is now disclosed to be between the holder 26 and the frame 28, the knife traversing in a direction of arrow "A", the tissue being in the opening between the holder 26 and frame 28, the knife being mechanically associated with the holder 26, the knife including a blade portion 801, the portion 801 extending into the opening, as well as the finger tab 802 being moved by a clinician, and the knife being moved relative to the holder 26 and frame 28 to cause movement of the portion 801 through the opening was not originally set forth in the specification, and is new matter." The examiner further also explained that "the invention still cannot be fully understood. For example, after the tissue is clamped and the staples were driven, the knife blade would be in a position proximal to a position where it could function to cut tissue, as alleged. The knife would not be adjacent to the tissue located at the location between the end of the head 28 and the staple cartridge tissue contacting surface."

A review of the record indicates that the drawing objection and claim rejection are directed to the same issues. In the final Office action of October 20, 2010, the rejection of claims 41-58 under the first paragraph of 35 USC 112, the examiner stated the claims fail to comply with the written description requirement. The claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The examiner also objected to the drawings because the subject matter of the claims is not illustrated by the original drawings. The newly Replacement drawing Fig. 18 also contains new matter added. That is, the correctness of the examiner's drawing objection, refusal to accept the new Replacement drawings Fig. 18, resting on the lack of clarity of claimed subject matter is dependent on the correctness of the examiner's 35 U.S.C. 112 rejection of the claims. It is the policy of the USPTO in appropriate circumstances to decline to rule on a petitionable issue, when, as here, an issue is also determinative of a rejection, and as such, is appropriate for consideration on appeal to the BPAI. In this case, since the issue in the objection to the drawings and rejection of claims, as here, additionally and necessarily requires the exercise of technical skill and legal judgment in order to evaluate the facts presented, the issue is properly decided on the merits, and is properly reviewed on appeal, not petition. Under the circumstances, it is believed that the issues presented under the claim rejections and drawing objection in the instant case require the same review by the BPAI. Thus, this issue is appealable and should not be decided by petition.

#### Conclusion

For the foregoing reasons, the relief requested by the petitioner will not be granted. Because there are both objections to drawings under 37 CFR 1.83(a) and to the amended specification of April 8, 2010 and a rejection of claims under 35 USC 112, first paragraph, and the correctness of all objections and the rejection depend on the same issue, the issue is an appealable one and will not be decided by petition.

The application is being forwarded to the examiner via the Supervisory Patent Examiner awaiting for filing a notice of appeal and an appeal brief. Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision, 37 CFR 1.181(f). The mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings. No extension of time under 37 CFR 1.136(a) is permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181". Any inquiry regarding this decision should be directed to Henry Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION DISMISSED



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Angela D. Sykes, Director  
Technology Center 3700



UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450  
Alexandria, VA 22313-1450  
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THE WEBB LAW FIRM, P.C.  
ONE GATEWAY CENTER  
420 FT. DUQUESNE BLVD, SUITE 1200  
PITTSBURGH, PA 15222

**MAILED**

**MAY 17 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Julian Alex Thomas, et al. :  
Application No. 12/228,231 : **DECISION ON PETITION**  
Filed: August 11, 2008 : **TO WITHDRAW**  
Attorney Docket No. 5239-082436 : **FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 18, 2011.

The request is **APPROVED**.

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 Nathan J. Prepelka on behalf of all attorneys of record who are associated with customer No. 28289. All attorneys/agents associated with the Customer Number 28289 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R. 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

There is an outstanding Office action mailed April 6, 2011 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/  
April M. Wise  
Petitions Examiner  
Office of Petitions

cc: JULIAN ALEX THOMAS  
93 LINCOLN STREET  
RIDGWAY, PA 15853

cc: SPRINGFIELD MUNITITONS COMPANY, LLC  
KENNETH H. ELLIOTT, CHAIRMAN & CEO  
600 INDUSTRIAL PARK ROAD  
KERSEY, PA 15846



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/228,231	08/11/2008	Julian Alex Thomas	5239-082436

**CONFIRMATION NO. 3404**

**POWER OF ATTORNEY NOTICE**



28289  
THE WEBB LAW FIRM, P.C.  
ONE GATEWAY CENTER  
420 FT. DUQUESNE BLVD, SUITE 1200  
PITTSBURGH, PA 15222

Date Mailed: 05/11/2011

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 03/18/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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EUGENE ROBERT BERTOLLI  
46 R PLEASANT TERRACE  
DURHAM, CT 06422

**MAILED**

**SEP 27 2010**

**OFFICE OF PETITIONS**

In re Application of	:	
Eugene Robert Bertolli	:	
Application No. 12/228,241	:	ON PETITION
Filed: August 11, 2008	:	
Attorney Docket No.	:	

This is in response to the communication, filed August 12, 2010, to revive the above-identified application, which is being treated as a petition to withdraw the holding of abandonment.

The petition is **DISMISSED**.

On June 7, 2010, the Office mailed a Notice of Incomplete Reply (Notice), which continued to run from the initial Notice to File Corrected Application Papers mailed November 12, 2009. The application became abandoned on January 13, 2010, for failure to submit a timely response to the November 12, 2009 Notice. On June 1, 2010, the Office mailed a Notice of Abandonment.

**DISCUSSION OF PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT**

Petitioner argues that a reply to the Notice was filed. A review of the record discloses that a reply to the Notice to File Corrected Application Papers mailed November 12, 2009. However, a Notice of Incomplete Reply on January 25, 2010, and April 13, 2010. On April 23, 2010 a reply was received. The Office mailed a second Notice of Incomplete Reply on June 7, 2010 which directed applicant's attention to Figure 11B, to which no reply was received.

Therefore, the petition to withdraw the holding of abandonment is **dismissed**.

**ALTERNATIVE VENUE**

Petitioner is strongly encouraged to consider filing a petition under 37 CFR 1.137(b) to revive an unintentionally abandoned application instead of filing a renewed petition under 37 CFR 1.181 or a petition under 37 CFR 1.137(a).

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed. In nonprovisional utility application abandoned for failure to respond to a non-final Office action, the required reply may be met by filing either (A) an argument or amendment under 37 CFR 1.111 or (B) a continuing application under 37 CFR 1.53(b).
- (2) The petition fee as set forth in 37 CFR 1.17(m), **\$810.00 for a small entity**;
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

A form for filing a petition to revive an unintentionally abandoned application accompanies this decision for petitioner's convenience. If petitioner desires to file a petition under 37 CFR 1.137(b) instead of filing a request for reconsideration, petitioner must complete the enclosed petition form (PTO/SB/64) and pay the \$810.00 petition fee.

Petitioner may wish to consider hiring a registered patent attorney or agent to assist in the prosecution of this application. Additionally, petitioner is encouraged to contact the Inventors Assistance Center (IAC) by telephone at 800-786-9199 or 571-272-1000, Monday through Friday from 8:30 AM to 5:30 PM (EST). The IAC provides patent information and services to the public and is staffed by former Supervisory Patent Examiners and experienced Primary Examiners who answer general questions concerning patent examining policy and procedure.

Any request for reconsideration of this decision should be submitted within **TWO (2) 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 April M. Wise at (571) 272-1642.

/Carl Friedman/  
Carl Friedman  
Petitions Examiner  
Office of Petitions

Enclosures: Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b); Form PTO/SB/64, Privacy Act Statement.



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EUGENE ROBERT BERTOLLI  
46 R PLEASANT TERRACE  
DURHAM, CT 06422

**MAILED**

**DEC 22 2010**

**OFFICE OF PETITIONS**

In re Application of :  
Eugene Robert Bertolli :  
Application No. 12/228,241 : **DECISION ON PETITION**  
Filed: August 11, 2008 :  
Attorney Docket No. :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 18, 2010, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the Notice of Incomplete Reply (Notice), mailed June 7, 2010. The Notice continued to run from the mail date of the original Notice to File Corrected Application Papers, which set a shortened statutory period of reply of two (2) months from the mail date of November 12, 2009. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 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 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 of the reply received August 2, 2010.

  
April M. Wise  
Petitions Examiner  
Office of Petitions



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**PERKINS COIE LLP  
P.O. BOX 1208  
SEATTLE WA 98111-1208**

**MAILED  
DEC 01 2011  
OFFICE OF PETITIONS**

In re Application of :  
Scott Decker :  
Application No. 12/228,254 : **DECISION ON PETITION**  
Filed: August 11, 2008 :  
Attorney Docket No. ULT-001 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 7, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed December 20, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 21, 2011. A Notice of Abandonment was mailed on July 8, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$930, (3) a proper statement of unintentional delay. Accordingly, the amendment is accepted as being unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 2161 for appropriate action by the Examiner in the normal course of business on the reply received November 7, 2011.

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/228,258	08/06/2008	Troy Schmidtke	2609.001US1	3390
21186	7590	05/12/2011	EXAMINER	
SCHWEGMAN, LUNDBERG & WOESSNER, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402			SHECHTMAN, SEAN P	
			ART UNIT	PAPER NUMBER
			2121	
			NOTIFICATION DATE	DELIVERY MODE
			05/12/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspto@slwip.com  
request@slwip.com



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May 10, 2011

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.  
P.O. BOX 2938  
MINNEAPOLIS MN 55402

In re Application of :  
**SCHMIDTKE, TROY , et al.** : **DECISION ON PETITION**  
Application No. **12/228258** :  
Filed: **08/12/2008** :  
Attorney Docket No: **2609.001US1**

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) August 6,2008.

The petition is **DISMISSED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

- 1. The fee set forth under 37 C.F.R. 1.17(h),
- 2. Three (3) sets of the color drawings in question, (One (1) set for EFW filings, and
- 3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings

*"The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee."*

The petition did not meet the following requirement(s). 1  2  3

***A renewed petition filed under 37 C.F.R. 1.84 (a) (2) must be filed within TWO (2) MONTHS of this decision. If a renewed petition is not filed within the TWO (2) Months of this decision the drawings will be printed in black and white.***

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571- 576-1565.

/Bernadette Queen/  
Quality Control Specialist  
Office of Data Management  
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
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July 12, 2011

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.  
P.O. BOX 2938  
MINNEAPOLIS MN 55402

Re Application of  
**SCHMIDTKE, TROY, ET AL**  
Application: **12/228258**  
Filed: **08/06/2008**  
Attorney Docket No: **2609.001US1**

**: DECISION ON PETITION**  
**: ACCEPTANCE OF COLOR**  
**: DRAWINGS**

This is a decision on the Renewal of Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) July 11, 2011.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

*"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."*

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Bernadette Queen/  
Quality Control Specialist  
Office of Data Management  
Publications Branch



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
Values: 12/228,258, 08/06/2008, Troy Schmidtke, 2609.001US1, 3390

7590 07/14/2011
SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

EXAMINER

SHECHTMAN, SEAN P

ART UNIT PAPER NUMBER

2121

NOTIFICATION DATE DELIVERY MODE

07/14/2011

ELECTRONIC

ACKNOWLEDGEMENT OF REQUEST
Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/228,278	05/14/2008	Steven C. Tidwell	5032.034US2	3387

40064 7590 08/31/2011  
LEMAIRE PATENT LAW FIRM, P.L.L.C.  
P.O. BOX 1818  
BURNSVILLE, MN 55337

EXAMINER

EVANS, FANNIE L

ART UNIT	PAPER NUMBER
2877	

MAIL DATE	DELIVERY MODE
08/31/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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[www.uspto.gov](http://www.uspto.gov)

Paper No. 20110830

LEMAIRE PATENT LAW FIRM, P.L.L.C.  
P.O. BOX 1818  
BURNSVILLE MN 55337

In re Application of:	:	
Tidwell ET AL.	:	PETITION TO ACCEPT COLOR
Serial No.: 12/228,278	:	DRAWINGS
Filed: May 14, 2008	:	UNDER 37 CFR § 1.84(a)(2)
Attorney Docket No.: 5032.034US2	:	

This is a decision on the petition filed May 14, 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



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BURNSVILLE MN 55337

**MAILED**

**NOV 03 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Tidwell et al. :  
Application No. 12/228278 :  
Filing or 371(c) Date: 05/14/2008 :  
Attorney Docket Number: :  
5032.034US2 :

**ON PETITION**

This is a notice regarding request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods  
Attorney  
Office of Petitions



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BRANDON N. SKLAR, KAYE SCHOLER, LLP (Varian)  
425 PARK AVENUE  
NEW YORK, NY 10022-3598

**MAILED**  
**DEC 23 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Gongyin Chen, et al. :  
Application No.: 12/228,350 : **ON PETITION**  
Filed: August 12, 2008 :  
Attorney Docket No.: 63314-1033 :

This is a decision on the petition, filed December 22, 2011, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

*Petitioner is advised that the issue fee paid on November 14, 2011, with a Certificate of Mailing or Transmission under 37 CFR 1.8 dated November 9, 2011, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>*

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 2881 for further processing of the request for continued examination under 37 CFR 1.114.

/SDB/

Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions

<sup>1</sup> 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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ERNEST TERRY TAYLOR  
1304 NIXON AVENUE  
IDAHO FALLS, ID 83404

**MAILED**

AUG 30 2010

In re Application of : **OFFICE OF PETITIONS**  
ErnestTerry Taylor :  
Application No. 12/228,547 : **ON PETITION**  
Filed: August 14, 2008 :  
Attorney Docket No.: None :

This is a decision in response to the petition, filed June 17, 2010 and supplemented on June 21, 2010, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed September 3, 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 4, 2008. A Notice of Abandonment was subsequently mailed on May 8, 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(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

The petition does not comply with item (1). It is noted that the petition indicates that a reply in the form of "Suspect and replacement drawing" was enclosed; however, no such response was found.

Accordingly, the petition cannot be granted until a proper response to the Notice of September 3, 2008 is filed. For applicant's convenience a copy of the Notice of September 3, 2008 is enclosed.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

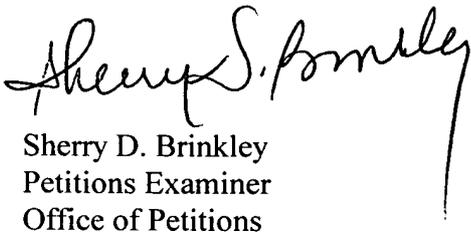
By mail:                   Mail Stop PETITIONS  
                                  Commissioner for Patents  
                                  Post Office Box 1450  
                                  Alexandria, VA 22313-1450

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<sup>1</sup>

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.



Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions

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<sup>1</sup> [www.uspto.gov/ebc/efs\\_help.html](http://www.uspto.gov/ebc/efs_help.html) (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)



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United States Patent and Trademark Office
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Table with 4 columns: APPLICATION NUMBER (12/228,547), FILING OR 371(C) DATE (08/14/2008), FIRST NAMED APPLICANT (Ernest Terry Taylor), ATTY. DOCKET NO./TITLE

Ernest Terry Taylor
805 East 22nd Street
Newton, NC 28658

CONFIRMATION NO. 5758
FORMALITIES LETTER



Date Mailed: 09/03/2008

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Filing Date Granted

An application number and filing date have been accorded to this application. The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given TWO MONTHS from the date of this Notice within which to correct the informalities indicated below. 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 required item(s) identified below must be timely submitted to avoid abandonment:

- A substitute specification in compliance with 37 CFR 1.52, 1.121(b)(3), and 1.125, is required. The substitute specification must be submitted with markings and be accompanied by a clean version (without markings) as set forth in 37 CFR 1.125(c) and a statement that the substitute specification contains no new matter (see 37 CFR 1.125(b)). The specification, claims, and/or abstract page(s) submitted is not acceptable and cannot be scanned or properly stored because:
- The application contains drawings, but the specification does not contain a brief description of the several views of the drawings as required by 37 CFR 1.74 and 37 CFR 1.77(b)(7).
- 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) All.
- More than one figure is present and each figure is not labeled "Fig." with a consecutive Arabic numeral (1, 2, etc.) or an Arabic numeral and capital letter in the English alphabet (A, B, etc.)(see 37 CFR 1.84(u)(1)). See Figure(s) All. A brief description of the several views of the drawings (see 37 CFR 1.74) should be added or amended to correspond to the corrected numbering of the figures. See also 37 CFR 1.77(b)(7).

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.

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://portal.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.

/tvo/

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Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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**MAILED**

**JAN 20 2011**

**OFFICE OF PETITIONS**

ERNEST TERRY TAYLOR  
1304 NIXON AVENUE  
IDAHO FALLS, ID 83404

In re Application of  
Ernest Terry Taylor  
Application No. 12/228,547  
Filed: August 14, 2008  
Attorney Docket No.: None

ON PETITION

This is a decision on the communication filed August 19, 2010, which is being treated as a renewed petition to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned on November 4, 2008 for a failure to timely respond to a Notice to File Corrected Application Papers mailed September 3, 2008, requiring a substitute specification in compliance with 37 CFR 1.52, 1.121(b)(3) and 1.125 and replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121(d). A Notice of Abandonment was subsequently mailed on May 8, 2009. In response, on June 17, 2010 and June 21, 2010, a petition under 1.137(b) was filed; however, the petition was dismissed in a decision mailed August 30, 2010. On August 19, 2010, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) a proposed reply in the form of a replacement specification and drawings; (2) the petition fee of \$810; and (3) an adequate statement of unintentional delay.

Petitioner is reminded that the grant of a petition under 37 CFR 1.137 is not a determination that any reply is complete, since the petition may be granted if the reply appears to be *bona fide*. After revival of the application, the Office of Patent Application Processing (OPAP) may, upon more detailed review, determine that the reply is lacking in some respect. In this limited situation, OPAP should send out a letter giving shortened statutory period under 37 CFR 1.135(c) for correction of the error or omission. Extensions of time under 37 CFR 1.136(a) are permitted. If applicant does not correct the omission within the time period set in the letter (including any extension), the application is again abandoned.

The application is being referred to the Office of Patent Application Processing (OPAP) for consideration of the response provided August 19, 2010.

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.

A handwritten signature in cursive script that reads "Sherry D. Brinkley".

Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
12/228,656 08/14/2008 Gregory W. Farrell 038712/343908 4786

7590 06/29/2011
ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

EXAMINER

TORRES VELAZQUEZ, NORCA LIZ

ART UNIT PAPER NUMBER

1786

MAIL DATE DELIVERY MODE

06/29/2011

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  
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June 29, 2011

ALSTON & BIRD LLP  
BANK OF AMERICA PLAZA  
101 SOUTH TRYON STREET, SUITE 4000  
CHARLOTTE NC 28280-4000

In re Application of :  
Gregory W. Farrell et al. : **DECISION ON PETITION**  
Application No. 12228656 :  
Filed: 8/14/2008 : **ACCEPTANCE OF COLOR**  
Attorney Docket No. 038712/343908 : **DRAWINGS**

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) August 14, 2008.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Don Fairchild/  
Office of Data Management  
Publications Branch



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**TAFT, STETTINIUS & HOLLISTER LLP**  
**SUITE 1800**  
**425 WALNUT STREET**  
**CINCINNATI, OH 45202-3957**

**MAILED**

**MAR 17 2011**

In re Application of  
BARKELOO, et al  
Application No. 12/228,657  
Filed: August 14, 2008  
Attorney Docket No. TSP02-GN014

**OFFICE OF PETITIONS**

**DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed January 28, 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. In these situations, the practitioner is responsible for the correspondence the practitioner files in the application while acting in a representative capacity. As such, there is no need for the practitioner to obtain the Office's permission to withdraw from representation. However, practitioners acting in a representative capacity, like practitioners who have a power of attorney in the application, remain responsible for noncompliance with 37 CFR 1.56, as well as 37 CFR 10.18, with respect to documents they file.

A review of the file record indicates that Scott R. Stanley does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

Further, the request to withdraw as attorney or agent cannot be approved because the correspondence address for future communications from the Office cannot be accepted. In this regard, the Office will only accept changes of address from the first named inventor or an assignee who has properly become of record under 37 CFR 3.71.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6735.

/Diane C. Goodwyn/  
Diane C. Goodwyn  
Petitions Examiner  
Office of Petitions

cc: SOMATIC DIGITAL LLC  
P.O. BOX 30085  
CINCINNATI, OH 45230



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**MAILED**

**JUN 16 2011**

**OFFICE OF PETITIONS**

MCCARTER & ENGLISH, LLP BOSTON  
265 Franklin Street  
Boston MA 02110

In re Application of :  
Masse et al. : **DECISION ON PETITION**  
Application No. 12/228,662 : **FOR PATENT TERM ADJUSTMENT**  
Filed: August 14, 2008 :  
Attorney Docket No. 120465-00502 :

This is a decision on the request filed June 6, 2011, which is being treated as a petition under 37 C.F.R. § 1.705(b).<sup>1</sup> The petition requests the initial determination of patent term adjustment be corrected from one hundred seventy-seven (177) days to one hundred fourteen (114) days.

The petition 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 114 days. A copy of the updated PALM screen, showing the correct determination, is enclosed.

The Office mailed a Determination of Patent Term Adjustment under 35 U.S.C. 154(b) on March 8, 2011, advising Applicants of a patent term adjustment to date of 177 days. In response, Applicants timely filed the instant petition with payment of the issue fee on June 6, 2011.

The patent term adjustment determination of 177 days is the result of the Office reducing the 217-day period of delay under 37 C.F.R. § 1.703 ("Office Delay") by a 40-day period of delay under 37 C.F.R. § 1.704 ("Applicant Delay"). The petition asserts the correct period of Applicant Delay is 103 days. The petition contends the period of Office delay should include an additional 63 days for delay under 37 C.F.R. § 1.704(b).

The Office mailed a Notice to File Missing Parts of Nonprovisional Application on September 3, 2008. Applicants filed a reply to the notice on February 4, 2009, which was three months and 63 days after the date the Office mailed the notice. The petition asserts Applicants' delay in the submission of a response to the September 3, 2008 notice warrants entry of a 63-day reduction in patent term adjustment for delay under 37 C.F.R. § 1.704(b).

<sup>1</sup> The request is labeled as a request under 37 C.F.R. § 1.705(d). However, the request is properly considered under 37 C.F.R. § 1.705(b) because the request is not seeking reconsideration of the patent term adjustment set forth on a patent.

The Office agrees a 63-day reduction in patent term adjustment is warranted under 37 C.F.R. § 1.704(b) for Applicants' delay in the submission of a response to the September 3, 2008 notice. In other words, the total period of Applicant Delay is 103 (40 + 63) days.

In view of the prior discussion, the correct patent term adjustment as of the mailing date of the Notice of Allowance is 114 days, which is 217 days of Office Delay reduced by 103 days of Applicant Delay.

Submission of the \$200.00 fee set forth in 37 C.F.R. § 1.18(e) is acknowledged, and no additional fee is required.

Applicants are reminded that any delays by the Office pursuant to 37 C.F.R. §§ 1.702(a)(4) and 1.702(b) and any delays by Applicants under 37 C.F.R. § 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 Senior Petitions Attorney Steven Brantley at (571) 272-3203.



Charles Steven Brantley  
Senior Petitions Attorney  
Office of Petitions

Enclosure: Copy of REVISED PALM screen



# Patent Term Adjustments



PTA/PTE Information **Patent Term Adjustment** Patent Term Extension

Application Number: 12228662 Search [Explanation of PTA Calculation](#) [Explanation of PTE Calculation](#)

PTA Calculations for Application: 12228662

Application Filing Date	08/14/2008	Overlapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays:	217
A Delays	217	PTO Manual Adjustment	-63
B Delays	0	Applicant Delay (APPL)	40
C Delays	0	Total PTA (days)	114

\* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
60	06/15/2011		P028	Adjustment of PTA Calculation by PTO		63	0
50	03/08/2011		MN/=	Mail Notice of Allowance			0
49	03/07/2011		IREV	Issue Revision Completed			0
48	03/07/2011		DVER	Document Verification			0
47	03/07/2011		N/=	Notice of Allowance Data Verification Completed			0
46	03/07/2011		DOCK	Case Docketed to Examiner In GAU			0
44	03/07/2011		EXA	Examiner's Amendment Communication			0
43	03/07/2011		CNTA	Allowability Notice			0
45	02/23/2011		EXIN	Examiner Interview Summary Record (PTOL-413)			0
42	01/07/2011		FWDX	Date Forwarded to Examiner			0
41	12/28/2010	11/18/2010	A...	Response after Non-Final Action		40	39
40	12/28/2010		XT/G	Request for Extension of Time - Granted			0
39	08/18/2010		MCTNF	Mail Non-Final Rejection			0
38	08/16/2010		CTNF	Non-Final Rejection			0
31	06/28/2010		FWDX	Date Forwarded to Examiner			0
30	06/21/2010		ELC	Response to Election / Restriction Filed			0
35	06/18/2010		IDSC	Information Disclosure Statement considered			0
29	06/18/2010		RCAP	Reference capture on IDS			0
28	06/18/2010		M844	Information Disclosure Statement (IDS) Filed			0
27	06/18/2010		WIDS	Information Disclosure Statement (IDS) Filed			0
36	06/10/2010		IDSC	Information Disclosure Statement considered			0
34	06/10/2010		WIDS	Information Disclosure Statement (IDS) Filed			0
26	06/10/2010		M844	Information Disclosure Statement (IDS) Filed			0
25	05/19/2010	10/14/2009	MCTRS	Mail Restriction Requirement	217		0.5
24	05/19/2010		CTRS	Restriction/Election Requirement			0
23	01/23/2010		DOCK	Case Docketed to Examiner In GAU			0
22	09/24/2009		PA...	Change in Power of Attorney (May include Associate POA)			0
21	09/18/2009		C.AD	Correspondence Address Change			0
20	08/28/2009		TSSCOMP	IFW/TSS Processing by Tech/Center Complete			0
14	07/26/2009		DOCK	Case Docketed to Examiner In GAU			0
13	05/28/2009		PG-ISSUE	PG-Pub Issue Notification			0
12	03/06/2009		OIPE	Application Dispatched from OIPE			0
11	02/17/2009		RGPC	Sent to Classification Contractor			0
10	02/17/2009		FLRCPT.U	Filing Receipt - Updated			0
37	02/09/2009		IDSC	Information Disclosure Statement considered			0
16	02/09/2009		RCAP	Reference capture on IDS			0
15	02/09/2009		M844	Information Disclosure Statement (IDS) Filed			0
9	02/09/2009		WIDS	Information Disclosure Statement (IDS) Filed			0
17	02/04/2009		A.PE	Preliminary Amendment			0
8	02/04/2009		FLFEE	Payment of additional filing fee/Preexam			0
6	02/04/2009		OATHDECL	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applicant			0
5	09/03/2008		INCD	Notice Mailed--Application Incomplete--Filing Date Assigned			0
4	09/03/2008		FLRCPT.O	Filing Receipt			0
3	08/22/2008		L194	Cleared by OIPE CSR			0
2	08/22/2008		SCAN	IFW/Scan & PACR Auto Security Review			0
1	08/15/2008		IEXX	Initial Exam Team nn			0
7	08/14/2008		CLAIM	Claim Preliminary Amendment			0
0.5	08/14/2008		EFILE	Filing date			0

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**THE INVENTION SCIENCE FUND  
CLARENCE T. TEGREENE  
11235 SE 6TH STREET  
SUITE 200  
BELLEVUE WA 98004**

**MAILED**

**MAR 11 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
Cohen et al.	:	DECISION ON PETITION
Application No. 12/228,664	:	TO WITHDRAW
Filed: August 14, 2008	:	FROM RECORD
Attorney Docket No. 0306A-003-039A-000000	:	

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 25, 2011.

The request is **NOT APPROVED**.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

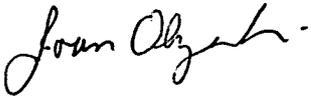
*An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

According to a review of current USPTO records petitioner has not requested the address be changed to a properly recorded assignee or the first listed inventor. The Customer Number 55922 is neither the first named inventor nor the assignee who properly became of record under 37 CFR 3.71 As such, all future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Further, the address given on the petition differs from the address of record. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.



Joan Olszewski  
Petitions Examiner  
Office of Petitions

cc: LEE & HAYES, PLLC  
601 W RIVERSIDE  
SUITE 1400  
SPOKANE, WA 99201



UNITED STATES PATENT AND TRADEMARK OFFICE

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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. 12/228,675 : **DECISION ON PETITION**  
Filed: August 13, 2008 : **TO WITHDRAW**  
Attorney Docket No. **106616-0003-102** : **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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**ROPES & GRAY LLP  
IPRM - Floor 43  
PRUDENTIAL TOWER  
800 BOYLSTON STREET  
BOSTON MA 02199-3600**

**MAILED  
DEC 06 2010  
OFFICE OF PETITIONS**

In re Application of :  
**COHEN, David M. et al.** :  
Application No. 12/228,675 : **DECISION ON PETITION**  
Filed: August 13, 2008 : **TO WITHDRAW**  
Attorney Docket No. **106616-0003-102** : **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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/228,676	08/13/2008	Hiroshi Oshitani	4041J-001504	5990
27572	7590	08/11/2011	EXAMINER	
HARNES, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303			BAUER, CASSEY D	
			ART UNIT	PAPER NUMBER
			3784	
			MAIL DATE	DELIVERY MODE
			08/11/2011	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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AUG 11 2011

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HARNESSE, DICKEY & PIERCE, P.L.C.  
P.O. BOX 828  
BLOOMFIELD HILLS MI 48303

In re Application of	:	
OSHITANI, HIROSHI	:	DECISION ON REQUEST TO
Application No. 12/228,676	:	PARTICIPATE IN PATENT
Filed: August 13, 2008	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 4041J-001504	:	PROGRAM AND PETITION
For: REFRIGERATION-CYCLE	:	TO MAKE SPECIAL UNDER
COMPONENT ASSEMBLY AND VEHICULAR :	:	37 CFR 1.102(a)
REFRIGERATOR SYSTEM	:	

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 10, 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 is 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/228,679	08/13/2008	Mika Gocho	40410-000041	5929
27572	7590	09/15/2011	EXAMINER	
HARNES, DICKEY & PIERCE, P.L.C.			COMINGS, DANIEL C	
P.O. BOX 828			ART UNIT	PAPER NUMBER
BLOOMFIELD HILLS, MI 48303			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.



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HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. BOX 828  
BLOOMFIELD HILLS MI 48303

In re Application of	:	
<u>GOCHO, MIKA</u> , et al.	:	DECISION ON REQUEST TO
Application No. 12/228,679	:	PARTICIPATE IN PATENT
Filed: August 13, 2008	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 40410-000041	:	PROGRAM AND PETITION
For: EJECTOR-TYPE AIR CONDITIONING	:	TO MAKE SPECIAL UNDER
AND REFRIGERATING SYSTEM FOR	:	37 CFR 1.102(a)
AUTOMOTIVE VEHICLE	:	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed August 30, 2011 to make the above-identified application special.

The request and petition are granted.

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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KANG LIM  
2491 SAN RAMON VALLEY BLVD #1-229  
SAN RAMON CA 94583

**MAILED**

SEP 16 2011

OFFICE OF PETITIONS

In re Application of :  
Radojicic :  
Application No. 12/228,697 : DECISION ON PETITION  
Filed: August 16, 2008 :  
Attorney Docket No. MR-1003 :

This is a decision on the "PETITION PURSUANT TO 37 C.F.R. 1.182", filed September 12, 2011, requesting, in effect, that the above identified application be accorded a filing date of August 16, 2008, with Figures 5 - 8 of the drawings as part of the original disclosure.

The petition is **DISMISSED**.

The application was filed on August 16, 2008. However, on September 22, 2008, the Office mailed a "Notice of Omitted Items", stating that the application had been accorded a filing date of August 16, 2008; however, Figures 5 - 8 of the drawings appeared to have been omitted.

In response, applicant filed a petition under 37 CFR 1.182 on October 3, 2008, requesting that Figures 5 - 8 of the drawings be entered, and maintaining the filing date of August 16, 2008. The petition was dismissed in a decision mailed on May 15, 2009. The decision explained that because applicant had not submitted a USPTO date-stamped postcard receipt, there was no evidence to establish that Figures 5 - 8 were filed on August 16, 2008.

Applicant has now filed the present petition. Applicant argues that the instant application claims priority to provisional application No. 60/822,640, and that Figures 5 - 8 are included in that application.

Pages not present on the filing date cannot be considered a part of the original disclosure of the application. As Figures 5 -8 of the drawings were not present in the Office on August 16, 2008, the application can not be accorded the August 16, 2008 filing date with those figures as a part of the original disclosure.

Accordingly, the Notice mailed on September 22, 2008 **was** correct in stating that Figures 5 - 8 of the drawings appeared to have been omitted from the application papers filed on August 16, 2008. Therefore, the requirement for the omitted figures of drawings was proper and will not be withdrawn.

However, a review of the application reveals it did contain an incorporation by reference to provisional application No. 60/822,640 via a priority claim pursuant to 37 CFR 1.57(a).

MPEP § 201.06(c) states that:

If a continuation or divisional application as originally filed on or after September 21, 2004 does not include an explicit incorporation by reference statement and is entitled to a filing date despite the inadvertent omission of a portion of the prior application(s), applicant may be permitted to add the omitted material by way of an **amendment** under 37 CFR 1.57(a). Such an amendment must be made within any time period set by the Office (emphasis added).

Obviously, in view of the incorporation by reference via the priority claim, Figures 5 - 8 of the drawings are not new matter if they were a part of the disclosure of provisional application No. 60/822,640.

The application is being forwarded to Group Art Unit 3767 for consideration of the Amendment, filed September 12, 2011.

Telephone inquiries specific to this matter should be directed to the undersigned at 571-272-3207.



Cliff Congo  
Petitions Attorney  
Office of Petitions



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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 :  
Andrea C. Carrano, et al. :  
Application No. 12/228, 707 : **DECISION ON PETITION**  
Filed: August 18, 2005 : **TO WITHDRAW**  
Attorney Docket No. 132010-2011 : **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



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/228,707	08/15/2008	Andrea C. Carrano	95-001110US

**CONFIRMATION NO. 6444**

**POWER OF ATTORNEY NOTICE**



Date Mailed: 09/27/2010

22798  
QUINE INTELLECTUAL PROPERTY LAW GROUP, P.C.  
P O BOX 458  
ALAMEDA, CA 94501

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 09/20/2010.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/gbien-aime/

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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September 13, 2011

FROMMER LAWRENCE & HAUG  
745 FIFTH AVENUE- 10TH FL.  
NEW YORK NY 10151

In re Application of :  
Carrano, Andrea C. et, al : **DECISION ON PETITION**  
Application No. 12/228,707 :  
Filed: 08/15/2008 : **ACCEPTANCE OF COLOR**  
Attorney Docket No. 132010-2011 : **DRAWINGS**

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) August 15, 2008.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Diane Terry/  
Quality Control Specialist  
Office of Data Management  
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

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Address: COMMISSIONER FOR PATENTS
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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
12/228,707 08/15/2008 Andrea C. Carrano 132010-2011 6444

7590 09/13/2011
FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

EXAMINER

KAUSHAL, SUMESH

ART UNIT PAPER NUMBER

1633

MAIL DATE DELIVERY MODE

09/13/2011

PAPER

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management



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Table with columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO., EXAMINER, ART UNIT, PAPER NUMBER, NOTIFICATION DATE, DELIVERY MODE. Includes application details for IBM Corporation and examiner Franklin, Jamara Alzaida.

ACKNOWLEDGEMENT OF REQUEST
Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management



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June 23, 2011

IBM CORPORATION, T.J. WATSON RESEARCH CENTER  
P.O. BOX 218  
YORKTOWN HEIGHTS NY 10598

In re Application of :  
Kuyper-Hammond, Michael Peter et, al : **DECISION ON PETITION**  
Application No. 12/228,711 :  
Filed: 08/15/2008 : **ACCEPTANCE OF COLOR**  
Attorney Docket No. CH92008007OUS1 (22809) : **DRAWINGS**

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) August 18, 2008.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Diane Terry/  
Quality Control Specialist  
Office of Data Management  
Publications Branch



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Paper No.

J C PATENTS  
4 VENTURE, SUITE 250  
IRVINE CA 92618

**MAILED**

**DEC 14 2011**

**OFFICE OF PETITIONS**

In re Application of : DECISION ON PETITION  
Luoh et al. : PURSUANT TO  
Application No. 12/228,764 : 37 C.F.R. § 1.181(A)  
Filed: August 14, 2008 :  
Attorney Docket No.: JCLA27862 :  
Title: METHOD FOR MANUFACTURING :  
A SEMICONDUCTOR DEVICE :

This is a decision on the petition filed November 21, 2011, pursuant to 37 C.F.R. § 1.181(a), requesting that the holding of abandonment in the above-identified application be withdrawn.

This petition pursuant to 37 C.F.R. § 1.181(a) is **DISMISSED**.

BACKGROUND

The above-identified application became abandoned for failure to reply in a timely manner to the notice of non-compliant amendment, mailed January 18, 2011, which set an extendable period for reply of one month. 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 February 19, 2011. A notice of abandonment was mailed on September 6, 2011.

RELEVANT PORTIONS OF THE C.F.R. AND MPEP

37 C.F.R. § 1.134 sets forth, *in toto*:

An Office action will notify the applicant of any non-statutory or shortened statutory time period set for reply to an Office action. Unless the applicant is notified in writing that a reply is

required in less than six months, a maximum period of six months is allowed.

37 C.F.R. § 1.135 sets forth, *in toto*:

(a) If an applicant of a patent application fails to reply within the time period provided under § 1.134 and § 1.136, the application will become abandoned unless an Office action indicates otherwise.

(b) Prosecution of an application to save it from abandonment pursuant to paragraph (a) of this section must include such complete and proper reply as the condition of the application may require. The admission of, or refusal to admit, any amendment after final rejection or any amendment not responsive to the last action, or any related proceedings, will not operate to save the application from abandonment.

(c) When reply by the applicant is a bona fide attempt to advance the application to final action, and is substantially a complete reply to the non-final Office action, but consideration of some matter or compliance with some requirement has been inadvertently omitted, applicant may be given a new time period for reply under § 1.134 to supply the omission.

Section 711.03(c)(I)(A) of the MPEP sets forth, *in toto*:

In *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of *Delgar*, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of *Delgar* is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. **The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable** (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 that the Office communication was not received at the correspondence address of record<sup>1</sup> and that a search of the "file jackets" and the relevant Office communication was not located.<sup>2</sup> Petitioner has further provided both a copy of the master docket for a portion of the relevant time period, and asserted that when incoming communications are received from the Office, the initial due date and the final deadline are input into a database.<sup>3</sup>

Petitioner's assertion of non-receipt has not been adequately supported, as will be now pointed out.

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1 Petition, page 1.

2 *Id.* at 2.

3 *Id.* at 1-2.

First, the record does not support a finding that the application contents were searched for the relevant Office communication. On renewed petition, Petitioner should establish whether the application contents have been searched, and the result of this search.

Second, Petitioner has failed to either sufficiently describe the docketing system that Petitioner has in place or establish that it is sufficiently reliable. More specifically, Petitioner has established that his law firm utilizes a computerized docketing system, 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 computer-based docketing software program generate reports on a periodic basis? If so, are these reports distributed to the responsible attorney? Does it generate periodic reminders prior to the due dates? If so, are these reminders distributed to the responsible attorney?

Third, Petitioner has asserted that the final due date is entered into the database. Petitioner was in a position to request up to a five-month extension of time, which places the maximum extendable period for response as expiring on July 18, 2011. On renewed petition, Petitioner should include a copy of the Attorney Docket Record for the month of July 2011.

#### 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.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,<sup>4</sup> hand-delivery,<sup>5</sup> or facsimile.<sup>6</sup> Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.<sup>7</sup>

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4 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

5 Customer Window, Randolph Building, 401 Dulany Street, Alexandria, VA, 22314.

6 (571) 273-8300: please note this is a central facsimile number.

7 <https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html>

Statements based on hearsay will not normally be accepted.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures should be directed to the Technology Center.



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Paul Shanowski  
Senior Attorney  
Office of Petitions



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**MAILED**

**MAR 01 2012**

**OFFICE OF PETITIONS**

J C PATENTS  
4 VENTURE, SUITE 250  
IRVINE CA 92618

In re Application of : DECISION ON RENEWED PETITION  
Luoh et al. : PURSUANT TO  
Application No. 12/228,764 : 37 C.F.R. § 1.181(A)  
Filed: August 14, 2008 :  
Attorney Docket No.: JCLA27862 :  
Title: METHOD FOR MANUFACTURING :  
A SEMICONDUCTOR DEVICE :

This is a decision on the renewed petition filed February 14, 2012, pursuant to 37 C.F.R. § 1.181(a), requesting that the holding of abandonment in the above-identified application be withdrawn.

This renewed petition pursuant to 37 C.F.R. § 1.181(a) is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the notice of non-compliant amendment, mailed January 18, 2011, which set an extendable period for reply of one month. 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 February 19, 2011. A notice of abandonment was mailed on September 6, 2011.

An original petition pursuant to 37 C.F.R. § 1.181(a) was filed on November 21, 2011, where Petitioner stated that the Office communication was not received at the correspondence address of record<sup>1</sup> and that a search of the "file jackets" and the relevant Office communication was not located.<sup>2</sup> Petitioner further provided both a copy of the master docket for a portion of the relevant time period, and asserted that when incoming communications are received from the Office, the initial due

1 Original petition, page 1.

2 Id. at 2.

date and the final deadline are input into a database.<sup>3</sup> The decision on the original petition pursuant to 37 C.F.R. § 1.181(a) was dismissed via the mailing of a decision on December 14, 2011.

With this renewed petition pursuant to 37 C.F.R. § 1.181(a), Petitioner has established that the application contents have been searched and the relevant Office communication was not located and that the electronic database is reviewed periodically. Moreover, Petitioner has provided a copy of the Attorney Docket Record for the month of July 2011, and it is noted that the relevant Office communication is not contained therein.

Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that Petitioner has met his burden of establishing that the notice of non-compliant amendment of January 18, 2011 was not received, pursuant to MPEP § 711.03(c).

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 re-mail the notice of non-compliant amendment, mailed January 18, 2011, and will set a new period for response.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the withdrawal of the holding of abandonment has been acknowledged by the Technology Center in response to this decision. It is noted 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. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.



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Paul Shanoski  
Senior Attorney  
Office of Petitions

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<sup>3</sup> Id. at 1-2.



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**SEP 22 2010**

**OFFICE OF PETITIONS**

Kristen Vander Hoeven  
75 Ravine Ridge Cres  
London ON N5X3S-6  
**CANADA**

In re Application of Hoeven :  
Application No. 12/228,844 : Decision on Petition  
Filing Date: April 14, 2010 :  
For: Apparel for a Foot With :  
Multi0Fitting and Multi-Purpose :  
Capabilities<sup>1</sup> :

This is a decision on the petition filed April 14, 2010, to accord the above-identified application a filing date of August 18, 2008.

The petition is **dismissed**.

Application papers were deposited on August 18, 2008. The image file wrapper for the application indicates the application papers consisted solely of 12 pages of specification, which included 3 pages of claims and one page of abstract.

The Office of Patent Application Processing mailed a Notice of Incomplete Nonprovisional Application on February 19, 2010. The notice indicated the application papers filed August 18, 2008, did not include drawings and a filing date had not been accorded. The notice stated, unless a petition was filed and granted, the filing date would be the date of receipt of drawings.

The instant petition was filed April 14, 2010. The petition alleges drawings were deposited on August 18, 2008. A copy of the drawings has been filed with the petition.

In essence, Petitioner's evidence consists of a statement drawings were filed and the existence of an extensive discussion of references to the drawings in the specification. Although the evidence is sufficient to prove Petitioner intended to file drawings and believed drawings were filed, the evidence is insufficient to prove drawings were actually filed August 18, 2008.

An applicant alleging that a paper was filed in the USPTO and later misplaced has the burden of proving the allegation by a preponderance of the evidence. In this case, an assertion that drawings were filed and a reference to drawings in a specification do not have *more* probative

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<sup>1</sup> The title in the specification appears to include a typographical error. Applicant may wish to amend the title to replace "Multi0fitting" with "Multi-Fitting."

value than the official government record of what was actually received in the USPTO on August 18, 2008.

Petitioner indicates she contacted the Office during early June 2009 in order to obtain the status of the application. Petitioner states she spoke with Terry Dyson and Ms. Dyson indicated she was unable to locate the application. A review of the application papers in the file indicates the application papers did not identify the inventor's name. Therefore, Ms. Dyson's inability to determine and locate the application file at issue is not surprising. Ms. Dyson requested Petitioner supply a copy of the money order used to pay fees in order to assist Ms. Dyson in identifying and locating the file. Ms. Dyson subsequently identified the file and informed Petitioner the application did not include an oath or declaration. Petitioner states an executed declaration was subsequently sent to the Office by facsimile transmission even though Petitioner believed the declaration had already been filed on August 18, 2008.

The Office has considered Petitioner's conversations with Ms. Dyson and is unclear as to the reason(s) Petitioner believes the conversations support a conclusion drawings were filed August 18, 2008. The conversations do not appear inconsistent with a conclusion drawings were not filed August 18, 2008. Therefore, the conversations are insufficient to establish drawings were filed August 18, 2008.

The petition states Petitioner was unable to supply a stamped postcard receipt because Petitioner resides in Canada. However, proof a party was unable to file a stamped postcard receipt with application papers is not the equivalent of proof drawings were filed with an application. As a courtesy, the Office notes papers may be filed electronically with the Office using EFS Web,<sup>2</sup> the proper postage necessary to mail postcards from the United States to Canada can be obtained from the United States Postal Service website,<sup>3</sup> and postage can be printed online.<sup>4</sup>

The Office of Patent Examination Processing will be informed of the instant decision and will process the application with a filing date of April 14, 2010, using the 12 pages of specification, including 3 pages of claims and 1 page of abstract, filed August 18, 2008, and the ten sheets of drawings filed April 14, 2010.

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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<sup>2</sup> General Information concerning EFS Web can be found at <http://www.uspto.gov/patents/process/file/efs/index.jsp>.

<sup>3</sup> See <http://www.usps.com/prices/first-class-mail-international-prices.htm>.

<sup>4</sup> See <http://www.usps.com/onlinepostage/> for additional information.



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PAUL R. MARTIN  
730 GLACIER WAY  
FAIRFIELD CA 94534

**MAILED**

NOV 07 2011

**OFFICE OF PETITIONS**

In re Application of :  
Paul Ling TAI :  
Application No. 12/228,845 :  
Filed: August 18, 2008 :  
Attorney Docket No. PRM-650 :

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 08, 2011, to revive the above-identified application.

The petition is GRANTED.

The application became abandoned for failure to reply in a timely manner to the Notice of Non-Responsive Amendment mailed, January 25, 2011, which set a period for reply of one (1) month. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 26, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an election, (2) the petition fee of \$810.00, and (3) a proper statement of unintentional delay. Accordingly, the reply to the Notice of Non-Responsive Amendment of January 25, 2011 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

This application is being referred to Technology Center AU 1655 for appropriate action by the Examiner in the normal course of business on the reply received.

Michelle R. Eason  
Paralegal Specialist  
Petitions Examiner



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**THE INVENTION SCIENCE FUND  
CLARENCE T. TEGREENE  
11235 SE 6TH STREET  
SUITE 200  
BELLEVUE WA 98004**

**MAILED  
MAR 11 2011  
OFFICE OF PETITIONS**

In re Application of :  
Cohen et al. : **DECISION ON PETITION**  
Application No. 12/228,873 : **TO WITHDRAW**  
Filed: August 15, 2008 : **FROM RECORD**  
Attorney Docket No. 0306A-003-039B- :  
000000 :

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 25, 2011.

The request is **NOT APPROVED**.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

***An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.***

According to a review of current USPTO records petitioner has not requested the address be changed to a properly recorded assignee or the first listed inventor. The Customer Number 55922 is neither the first named inventor nor the assignee who properly became of record under 37 CFR 3.71. As such, all future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Further, the address given on the petition differs from the address of record. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at  
(571) 272-7751.



Joan Olszewski  
Petitions Examiner  
Office of Petitions

cc: LEE & HAYES, PLLC  
601 W RIVERSIDE  
SUITE 1400  
SPOKANE, WA 99201



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RHODIA, INC.  
8 CEDAR BROOK DRIVE  
CN 7500  
CRANBURY NJ 08512

**MAILED**  
**OCT 11 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Chen et al. :  
Application No. 12/228897 : **ON PETITION**  
Filing or 371(c) Date: 08/15/2008 :  
Attorney Docket Number: :  
RD 07013 :

This is a decision on the Petition to Revive an Unintentionally Abandoned Application Under 37 C.F.R. § 1.137(b), filed September 15, 2011.

This Petition is hereby **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 March 11, 2011. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that prima facie places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). Accordingly, the date of abandonment of this application is June 12, 2011.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that Applicant has filed (1) the reply in the form of a Notice of Appeal and fee; (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 1761 to await the brief in support of appeal.

**Applicant has two (2) months from the mailing date of this Decision to file an appeal brief. Extensions of time are available under 37 CFR 1.136(a). Accord, MPEP 1215.01**

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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ALLEN LEROY LIMBERG, ESQ.  
1053 KENSINGTON STREET  
PORT CHARLOTTE FL 33952

**MAILED**  
**JUN 14 2011**  
**OFFICE OF PETITIONS**

In re Application of	:	
Allen LeRoy Limberg	:	
Application No. 12/228,959	:	DECISION ON PETITION
Filed: August 18, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. <b>ALRL76B</b>	:	37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 25, 2011, to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by the inventor. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 2471 for action on the merits commensurate with this decision.

JoAnne Burke  
Petitions Examiner  
Office of Petitions



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**MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO  
ONE FINANCIAL CENTER  
BOSTON MA 02111**

**MAILED**

**JAN 03 2011**

**OFFICE OF PETITIONS  
NOTICE**

In re application of :  
Victor D. Dolecek et al :  
Application No. 12/228,965 :  
Filed: August 18, 2008 :  
Attorney Docket No. 37272-505C08US :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 on September 7, 2010.

The Office no longer investigates or rejects original or reissue patent under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3208.

/KOC/  
Karen Creasy  
Petitions Examiner  
Office of Petitions



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Paper No.

SONYJP  
Lerner, David, Littenberg, Krumholz & Mentlik, LLP  
600 South Ave West  
Westfield NJ 07090

**MAILED**

**AUG 23 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
Kawahata	:	
Application No. 12/229,014	:	DECISION ON PETITION
Filed: August 19, 2008	:	PURSUANT TO
Attorney Docket No.: SONYJP	:	37 C.F.R. § 1.181(A)
3.0-1672	:	
Title: CONTENTS BILLING SYSTEM,	:	
CONTENTS ACQUIRING APPARATUS,	:	
CONTENTS ACQUIRING METHOD AND	:	
PROGRAM THEREFOR AND CONTENTS	:	
PROVIDING APPARATUS, CONTENTS	:	
PROVIDING METHOD AND PROGRAM	:	
THEREFOR	:	

This is a decision on the petition filed July 14, 2011, pursuant to 37 C.F.R. § 1.181(a), requesting that the holding of abandonment in the above-identified application be withdrawn. A supplement to this petition was filed on August 19, 2011.

This petition pursuant to 37 C.F.R. § 1.181(a) is **GRANTED**.

BACKGROUND

The above-identified application became abandoned for failure to file a proper response to the Restriction Requirement, mailed December 1, 2010, which set a shortened statutory period to reply of one month. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on January 2, 2011. A Notice of abandonment was mailed on June 29, 2011.

RELEVANT PORTIONS OF THE C.F.R. AND MPEP

37 C.F.R. § 1.134 sets forth, *in toto*:

An Office action will notify the applicant of any non-statutory or shortened statutory time period set for reply to an Office action. Unless the applicant is notified in writing that a reply is required in less than six months, a maximum period of six months is allowed.

37 C.F.R. § 1.135 sets forth, *in toto*:

(a) If an applicant of a patent application fails to reply within the time period provided under § 1.134 and § 1.136, the application will become abandoned unless an Office action indicates otherwise.

(b) Prosecution of an application to save it from abandonment pursuant to paragraph (a) of this section must include such complete and proper reply as the condition of the application may require. The admission of, or refusal to admit, any amendment after final rejection or any amendment not responsive to the last action, or any related proceedings, will not operate to save the application from abandonment.

(c) When reply by the applicant is a bona fide attempt to advance the application to final action, and is substantially a complete reply to the non-final Office action, but consideration of some matter or compliance with some requirement has been inadvertently omitted, applicant may be given a new time period for reply under § 1.134 to supply the omission.

Section 711.03(c) (I) (A) of the MPEP sets forth, *in toto*:

In *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of *Delgar*, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of *Delgar* is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee ( 35 U.S.C. 151) or for failure to prosecute ( 35 U.S.C. 133).

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions).

Evidence of nonreceipt of an Office communication or action (e.g., Notice of Abandonment or an advisory action) other than that action to which reply was required to avoid abandonment would not warrant withdrawal of the holding of abandonment. Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment. See *Lorenz v. Finkl*, 333 F.2d 885, 889-90, 142 USPQ 26, 29-30 (CCPA 1964); *Krahn v. Commissioner*, 15 USPQ2d 1823, 1824 (E.D. Va 1990); *In re Application of Fischer*, 6 USPQ2d 1573, 1574 (Comm'r Pat. 1988).

#### ANALYSIS

With this petition, Petitioner has stated that the restriction requirement was not received at the correspondence address of record,<sup>1</sup> and that a search of the file and the electronic records indicates that the communication was not received.<sup>2</sup> Petitioner has further included a copy of both the master docket and the records that are associated with this particular application, and it is noted that the restriction requirement does not appear therein. Moreover, Petitioner has included a statement of facts that establishes that Office communications are entered into an electronic database, which generates semi-monthly reminders

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1 Petition, page 1.

2 Id.

which are distributed to the responsible attorneys and their assistants.<sup>3</sup>

Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that Petitioner has met his burden of establishing that the restriction requirement was not received.

Accordingly, the petition pursuant to 37 C.F.R. § 1.181(a) is **GRANTED**. The holding of abandonment is **WITHDRAWN**.

#### CONCLUSION

The Technology Center will be notified of this decision, 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 mail a new Restriction Requirement. The one-month extendable time period for electing an invention to be examined will be set to run from the mailing date of the Office action.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the withdrawal of the holding of abandonment has been acknowledged by the Technology Center in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Technology Center where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.<sup>4</sup> 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

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<sup>3</sup> Supplemental affidavit of Phyllis Kelly, paragraph 9.

<sup>4</sup> Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any of Petitioner's further action(s).



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Paper No.

JACQUES P. SOILEAU  
STE. 3  
100 TEAL LANE  
LAFAYETTE LA 70507

**MAILED**

**NOV 17 2010**

**OFFICE OF PETITIONS**

In re Application of :  
Ken Pitre : DECISION ON PETITION  
Application No. 12/229,037 :  
Filed: August 18, 2008 :  
Atty Docket No. PITRE :

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed September 21, 2010.

The petition is **DISMISSED**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. § 1.137(b)."

The above-identified application became abandoned for failure to file a reply to the non-final Office action mailed February 5, 2010. The Office action set a shortened statutory period for reply of three (3) months, with extensions of time obtainable under § 1.136(a). No reply considered timely filed and no extension of time considered obtained, the application became abandoned effective May 6, 2010. A courtesy Notice of Abandonment was mailed on September 1, 2010.

In response, applicants filed the instant petition. The petition fee, in effect on the date of the filing of this petition, is \$810. However, the petition only included a check in the amount of \$780 for payment of the petition fee. The record does not include an authorization to charge any fee deficiency to a Deposit Account.

35 U.S.C. 41(a) (7) provides that a petition for the revival of an unintentionally abandoned application or for the unintentionally delayed payment of the issue fee must be accompanied by the petition fee set forth in 37 C.F.R. § 1.17(m), unless the petition is filed under 35 U.S.C. 133 or 151 (on the basis of unavoidable delay), in which case the fee is set forth in 37 C.F.R. § 1.17(l). Thus, unless the circumstances warrant the withdrawal of the holding of abandonment (i.e., it is determined that the application is not properly held abandoned), the payment of a petition fee to obtain the revival of an abandoned application is a statutory prerequisite to revival of the abandoned application, and cannot be waived.

In addition, the phrase "[o]n filing" in 35 U.S.C. 41(a)(7) means that the petition fee is required for the filing (and not merely the grant) of a petition under 37 C.F.R. § 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 C.F.R. § 1.17(l) or 1.17(m), regardless of whether the petition under 37 C.F.R. § 1.137 is dismissed or denied; and (B) will not reach the merits of any petition under 37 C.F.R. § 1.137 lacking the requisite petition fee.

Withdrawal of the abandonment of this application, pursuant to 37 CFR 1.181, does not appear to be warranted. Thus, the petition fee is required to consider revival. The Office does not have the authority to waive this fee. As payment of the full petition fee to obtain the revival of an abandoned application is a statutory prerequisite to revival of an abandoned application and petitioner has not made such a payment, the petition must be dismissed without consideration on the merits under § 1.137.

Further correspondence with respect to this decision should be addressed as follows:

By mail:                   Mail Stop Petition  
                              Commissioner for Patents  
                              P.O. Box 1450  
                              Alexandria, VA 22313-1450

By fax: (571) 273-8300  
ATTN: Office of Petitions

By hand: Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3219.

A handwritten signature in cursive script, appearing to read "Nancy Johnson".

Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450  
www.uspto.gov

Paper No.

JACQUES P. SOILEAU  
STE. 3  
100 TEAL LANE  
LAFAYETTE LA 70507

**MAILED**

**FEB 15 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Ken Pitre : DECISION ON PETITION  
Application No. 12/229,037 :  
Filed: August 18, 2008 :  
Atty Docket No. PITRE :

This is a decision on the Renewed Petition Under 37 C.F.R. 1.137(b) filed January 18, 2011.

The petition is **GRANTED**.

The above-identified application became abandoned effective May 6, 2010 for failure to file a reply to the non-final Office action mailed February 5, 2010. By decision mailed November 17, 2010, the initial petition under 37 CFR 1.137(b) was dismissed without consideration on the merits. The petition included \$750<sup>1</sup>, rather than the required petition fee of \$810.

On instant renewed petition, applicant submitted (in an abundance of caution as the exact amount of the deficiency was unclear) a check for \$250 to cover the deficiency in fee payment. This is sufficient as the deficiency is \$60. Accordingly, the petition can now be considered on the merits.

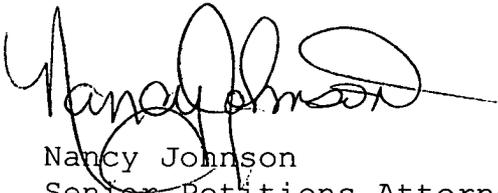
The petition includes the required reply in the form of an amendment, the required statement of unintentional delay and payment of the petition fee. (The overpayment in payment of the petition fee of \$190 is being refunded to applicant under separate cover). No terminal disclaimer is required.

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<sup>1</sup> According to the Finance Office, the Office received \$750 previously and not \$780.

Technology Center AU 3711 has been advised of this decision. The application is, thereby, forwarded to the examiner for consideration of the reply submitted on petition filed September 21, 2010.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson", with a long horizontal flourish extending to the right.

Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions

Electronic Petition Request	<b>PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)</b>
Application Number	12229078
Filing Date	20-Aug-2008
First Named Inventor	Benjamin Quaintance
Art Unit	3782
Examiner Name	CHRISTOPHER DEMEREE
Attorney Docket Number	IPK-041081-11
Title	MULTI-SIDED TRAY BLISS CONTAINER

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	/Matthew M. Eslami/
Name	matthew m. eslami
Registration Number	45488



## UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : May 26,2011

In re Application of :

Benjamin Quaintance

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12229078

Filed : 20-Aug-2008

Attorney Docket No : IPK-041081-I1

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed May 26,2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

**Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.**

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 3782 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions



**FELDMAN LAW GROUP, P.C.**  
**220 East 42nd Street, Suite 3304**  
**NEW YORK NY 10017**

**MAILED**  
**MAY 05 2011**  
**OFFICE OF PETITIONS**

In re Application of :

**Wainright, Lee** :

Application No. 12/229,104 :

Filed: August 20, 2008 :

Attorney Docket No. :

**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 18, 2011.

The request is **NOT APPROVED**.

The Office has revised its change in procedure for request to withdraw from representation applies to requests filed on or after May 12, 2008.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the customer number 76943 is currently updated in our records.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272- 2783.

/Tredelle D. Jackson/  
Paralegal Specialist  
Office of Petitions



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RG & ASSOCIATES  
1103 TWIN CREEKS  
STE. 120  
ALLEN TX 75013

**MAILED**  
**MAR 23 2012**  
**OFFICE OF PETITIONS**

In re Application of :  
Goldman :  
Application No. 12/229,126 :  
Filed: August 20, 2008 : DECISION ON PETITION  
Attorney Docket No. GL2-022008 : UNDER 37 C.F.R. § 1.137(B)  
Title: SYSTEM AND METHOD FOR :  
PROVIDING ONLINE DONATIONS :

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed February 22, 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 within the meaning of 37 C.F.R § 1.113 in a timely manner to the final Office action mailed May 24, 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 August 25, 2011. A notice of abandonment was mailed on December 19, 2011.

On February 22, 2012, Petitioner filed a RCE along with the associated fee, the petition fee, and the proper statement of unintentional delay.

The RCE has been accepted as the required reply under 37 C.F.R.

§ 1.137(b)(1). As such, the first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.<sup>1</sup>

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the submission under 37 C.F.R. § 1.114 - the amendment submitted on February 22, 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.<sup>2</sup> All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.



Paul Shanoski  
Senior Attorney  
Office of Petitions

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<sup>1</sup> See Rule 1.137(d).

<sup>2</sup> 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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**PETER A. SHADDOCK II  
BOWMAN GREEN HAMPTON & KELLY, PLLC  
SUITE 201  
501 INDEPENDENCE PARKWAY  
CHESAPEAKE VA 23320**

**MAILED  
JAN 07 2011  
OFFICE OF PETITIONS**

In re Application of :  
Hawkins, Wynter S. :  
Application No. 12/229,141 : ON PETITION  
Filed: August 20, 2008 :  
Attorney Docket No. 2884-004 :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed December 8, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the Issue Fee Transmittal with payment of the issue fee (previously submitted on September 28, 2010), (2) the petition fee of \$810.00, and (3) a proper statement of unintentional delay.

The instant application will revert back to small entity status as the change in entity status cited on the Issue Fee Transmittal was in error.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to the Office of Data Management for processing into a patent.

  
Liana Walsh  
Petitions Examiner  
Office of Petitions



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Alexandria, VA 22313-1450  
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**THOMAS M. MIKSICH  
122 NICHOLS ST.  
CROWN POINT IN 46307**

**MAILED**

**AUG 02 2010**

**OFFICE OF PETITIONS**

In re Application of :  
Thomas M. Miksich :  
Application No. 12/229,143 : **DECISION ON PETITION**  
Filed: August 20, 2008 :  
Attorney Docket No. **H I B P E 1.0** :

This is a decision on the petition, filed January 13, 2010, and resubmitted on April 22, 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 June 11, 2009, which set a three (3) month shortened statutory period for reply. Accordingly, a reply was due on or before September 12, 2009. The Office mailed a Notice of Abandonment was mailed July 7, 2010.

Petitioner states that a timely reply was mailed via certificate of facsimile on August 11, 2009, which included the following papers: a substitute specification and an amendment to the claims. Petitioner has submitted a copy of the previously mailed correspondence, which bears a certificate of facsimile dated August 11, 2009, which would have rendered the reply timely if received. It is noted that reply was submitted by facsimile on August 11, 2009. However, that reply referenced application serial number as 12/239,143. As the serial number was different the submission was not included in the file record of the instant application. A review of the transmittal sheet of the submission indicates that sufficient identifiers were included therein to have caused the papers to be moved to the instant application. The papers filed August 11, 2009, in 12/239,143 have now been moved to the file record of the instant application.

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

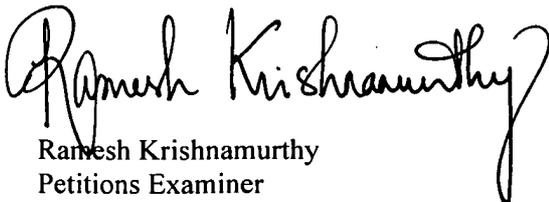
(C) Transmitted via the Office electronic filing system in accordance with § 1.6(a)(4); and

(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 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 June 11, 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 1661 for appropriate action in the normal course of business on the reply received August 11, 2009.



Ramesh Krishnamurthy  
Petitions Examiner  
Office of Petitions



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**THOMAS M. MIKSICH  
122 NICHOLS ST.  
CROWN POINT IN 46307**

**MAILED**

**OCT 19 2010**

In re Application of :  
Thomas M. Miksich :  
Application No. 12/229,143 :  
Filed: August 20, 2008 :  
Attorney Docket No. H I B P E 1.0 :

**OFFICE OF PETITIONS  
DECISION ON REQUEST FOR REFUND**

This is a decision on the Request For Refund filed September 30, 2010.

The request is **GRANTED**.

Applicant request a refund of the petition fee (\$810.00) submitted on August 2, 2010, for a petition to revive under 37 CFR 1.137(b).

The request is granted in view of the decision mailed on August 2, 2010, granting the petition filed on January 13, 2010, and resubmitted on April 22, 2010, which was treated as a petition under 37 CFR 1.(8)(a), requesting withdrawal of the holding of abandonment in the above-identified application.

As requested, the \$810.00 petition fee submitted on August 2, 2010, is being credited to petitioner's credit card account.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

/KOC/  
Karen Creasy  
Petitions Examiner  
Office of Petitions



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Brandau & Associates, LLC  
634 Lee Ave.  
St. Louis MO 63119

**MAILED**

**DEC 15 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Gregory R. Miller :  
Application No. 12/229,169 : **DECISION ON PETITION**  
Filed: 08/20/2008 :  
Attorney Docket No. 75146-010 (MIL-004) :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 7, 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 30, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time for response were obtained under the provisions of 37 CFR 1.136(a). Accordingly, the application became abandoned on December 31, 2010. A Notice of Abandonment was mailed on April 8, 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, and (3) a proper statement of unintentional delay.

This application is being referred to Technology Center AU 3744 for appropriate action by the Examiner on the reply received on December 7, 2011.

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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**MORRISS OBRYANT COMPAGNI, P.C.**  
**734 EAST 200 SOUTH**  
**SALT LAKE CITY UT 84102**

**MAILED**

**AUG 18 2011**

**OFFICE OF PETITIONS**

In re Application of :  
HALLING, et al :  
Application No. 12/229,214 :  
Filed: August 19, 2008 :  
Attorney Docket No. 4321.JHAL.PT :  
: **DECISION ON PETITION**  
: **TO WITHDRAW**  
: **FROM RECORD**  
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 5, 2011.

The request is **NOT APPROVED**.

The request to withdraw from record cannot be approved because the correspondence address provided for future communications from the Office is not that of an assignee who has properly made itself of record pursuant to 37 CFR 3.71. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor. 37 CFR 3.71 states:

*An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

According to a review of USPTO records, there is currently no Statement under 37 CFR 3.73(b) for JBR Holding, L.C., in the instant application. In this regard, the Office cannot change the correspondence address to the address indicated on the Request to Withdraw.

Further, the request cannot be approved because the attorneys of record were not appointed by Customer Number 26986 as indicated. Any future submission should include the proper designation by which the attorneys were appointed to assist the Office in reviewing and to expedite processing.

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: JBR HOLDING, L.C.  
4596 SOUTH 1300 EAST #5  
HOLLADAY UT 84117



**MAILED**

**SEP 19 2010**

**OFFICE OF PETITIONS**

**Choate, Hall & Stewart, LLP  
Two International Place  
Boston, MA 02110**

In re Application of  
Brian C. Austad et al.  
Application No. 12/229,277  
Filed: August 20, 2008  
Attorney Docket No. 2008074-0035

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 11, 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 24280 have been revoked by the assignee of the patent application on August 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 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: Nutter, McClennen & Fish  
Seaport West  
155 Seaport Boulevard  
Boston, MA 02210-2604



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United States Patent and Trademark Office  
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Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**Choate, Hall & Stewart, LLP**  
**Two International Place**  
**Boston, MA 02110**

**MAILED**

**SEP 27 2010**

In re Application of :  
Brian C. Austad et al. :  
Application No. 12/229,326 :  
Filed: August 20, 2008 :  
Attorney Docket No. 2008074-0036 :

**OFFICE OF PETITIONS**

**DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 11, 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 24280 have been revoked by the assignee of the patent application on August 19, 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 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: Nutter, McClennen & Fish  
Seaport West  
155 Seaport Boulevard  
Boston, MA 02210-2604



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**ATER WYNNE LLP  
1331 NW LOVEJOY ST. SUITE 900  
PORTLAND OR 97209-2785**

**MAILED**

**MAR 25 2011**

**OFFICE OF PETITIONS**

In re Application of :  
O'BRIEN, et al :  
Application No. 12/229,440 :  
Filed: August 22, 2008 :  
Attorney Docket No. 104383-0004 :  
: **DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 28, 2011.

The request is **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 Patrick D. Boyd on behalf of the attorneys of record associated with Customer No. 35940.

The attorneys associated with Customer No. 35940 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/DCG/  
Diane C. Goodwyn  
Petitions Examiner  
Office of Petitions

cc: JOHN M. O'BRIEN  
9385 SW IOWA DRIVE  
TIGARD OR 97062



UNITED STATES PATENT AND TRADEMARK OFFICE

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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
12/229,440	08/22/2008	John M. O'Brien	104383-0004

**CONFIRMATION NO. 8870**

**POWER OF ATTORNEY NOTICE**



OC000000046653405

Date Mailed: 03/18/2011

35940  
ATER WYNNE LLP  
1331 NW Lovejoy St. Suite 900  
PORTLAND, OR 97209-2785

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 01/28/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/dcgoodwyn/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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DOW Dec-10

JURGEN VOLLRATH  
588 SUTTER STREET # 531  
SAN FRANCISCO CA 94102

MAILED

DEC 10 2010

OFFICE OF PETITIONS

In re Application of :  
Bundhoo et al. : DECISION ON PETITION  
Application Number: 12/229454 :  
Filing Date: 08/22/2008 :  
Attorney Docket Number: P07044 :  
:

This is a decision on the petition filed on October 18, 2010, under 37 CFR 1.137(a), to revive the above-identified application.

The petition is **dismissed**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)," or "Petition Under 37 CFR 1.137(b)."

The application became abandoned on September 11, 2010, for failure to timely file a response to the Notice of Allowance and Fee(s) Due mailed on June 10, 2010, which set a three (3) month statutory period for reply. Notice of Abandonment was mailed on September 24, 2010. On October 18, 2010, the petition paper was filed. On November 12, 2010, the petition fee, issue fee, and publication fee were received.

Petitioners assert that the Notice of Allowance and Fee(s) Due (hereinafter "the Notice") mailed on June 10, 2010 was not timely received. Specifically, petitioners state that mail is received at the mailing address of 588 Sutter Street #531, San Francisco, CA 94102, (hereinafter "the California address") and then is forwarded by Mourad Medjou to the attorney's address of 4001 Alice Flagg Lane #307, Indian Trail, NC 28079. A declaration of Mr. Medjou stating that the subject correspondence was received "during the week of September 24 to October 1, 2010," has been provided with the subject petition.

A grantable petition under 37 CFR 1.137(a) must be accompanied by:

(1) the required reply, unless previously filed; In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(1);

(3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

The petition lacks item (3).

With regards to item (3), the Director may revive an abandoned application if the delay in responding to the relevant outstanding Office requirement is shown to the satisfaction of the Director to be "unavoidable".<sup>1</sup> 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,

---

<sup>1</sup> 35 U.S.C. § 133.

there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.<sup>2</sup>

The showing of record is inadequate to establish unavoidable delay within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a).<sup>5</sup> Specifically, an application is "unavoidably" abandoned only where petitioner, or counsel for petitioner, takes all action necessary for a proper response to the outstanding Office action, but through the intervention of unforeseen circumstances, such as failure of mail, telegraph, facsimile, or the negligence of otherwise reliable employees, the response is not timely received in the Office.<sup>3</sup>

A review of the record indicates no irregularity in the mailing of the Notice of Allowance and Fee(s) Due ("Notice") mailed on June 10, 2010, and in the absence of any irregularity in the mailing, there is a strong presumption that the Notice mailed on June 10, 2010 was properly mailed to the address of record. This presumption may be overcome by a showing that the Notice mailed on June 10, 2010 was not in fact timely received.

MPEP 711.03(c) states, in pertinent part:

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

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<sup>2</sup> 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).

<sup>3</sup> Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

**Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.**

**A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.**

(emphasis added)

Petitioner has not provided a statement from the practitioner to the effect 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 timely received at the correspondence address of record (the California address).

Further, petitioner would need to provide a master docket report, mail log, and/or file jacket showing where the Notice would have been entered had it been timely received at the California address.

A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been timely received is required to be provided. A copy of the practitioner's record(s) required to show non-receipt (or, in this case, untimely receipt) at the California address of the Notice mailed on June 10, 2010 should include the master docket for the firm at the California address. In this case, since a three (3) month period for reply was set in the Notice, a copy of the master docket report showing all replies docketed for a date three (3) months from the mail date of the Notice must be submitted as documentary proof of untimely receipt of the Office communication. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

Accordingly, the petition is dismissed, but such dismissal is without prejudice to reconsideration pending submission of the information requested above.

If petitioner is unable to provide the showing indicated above, petitioner may wish to consider filing a petition 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

Application No. 12/229454

6

By hand: Customer Service Window  
Mail Stop Petition  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

A reply may also be filed via EFS-Web.

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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D1W Mar-11

JURGEN VOLLRATH  
588 SUTTER STREET # 531  
SAN FRANCISCO CA 94102

**MAILED**

**MAR 14 2011**

**OFFICE OF PETITIONS**  
ON PETITION

In re Application of :  
Bundhoo et al. :  
Application Number: 12/229454 :  
Filing Date: 08/22/2008 :  
Attorney Docket Number: P07044 :  
:

This is a decision in response to the petition under 37 CFR 1.137(b) filed on January 24, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on September 11, 2010 for failure to timely respond to the Notice of Allowance and Fee(s) Due mailed on June 10, 2010, which set a three (3) month statutory period for reply. Notice of Abandonment was mailed on September 24, 2010. The petition filed on October 18, 2010 was dismissed on December 10, 2010.

Receipt of the issue and publication fees paid on November 12, 2010 are acknowledged.

The duplicate issue and publication fee payment made on January 24, 2010 is unnecessary and will be credited to counsel's deposit account.

The application is referred to the Office of Data Management for processing into a patent.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions



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**RUSSO & DUCKWORTH, LLP**  
9090 Irvine Center Drive  
Irvine CA 92618

**MAILED**

**JAN 24 2011**

In re Application of : **OFFICE OF PETITIONS**  
Douglas Stephen et al. :  
Application No. 12/229,460 : **DECISION ON PETITION**  
Filed: August 21, 2008 :  
Attorney Docket No. 746-P-12-USA :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 16, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before November 23, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed August 23, 2010. Accordingly, the date of abandonment of this application is November 24, 2010. A Notice of Abandonment was mailed on December 13, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1,510 and the publication fee of \$300, (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay. Accordingly, the issue and publication fees are accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Office of Data Management for further processing into a patent.

/Kimberly A. Inabinet/

Kimberly A. Inabinet  
Petitions Examiner  
Office of Petitions

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

Paper No.: \_\_\_\_\_

DATE : 08/31/10

TO SPE OF : ART UNIT 3747

SUBJECT : Request for Certificate of Correction for Appl. No.: 12229520 Patent No.: 7735460

Please respond to this request for a certificate of correction within 7 days.

**FOR IFW FILES:**

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

**FOR PAPER FILES:**

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (C of C)  
Randolph Square 9D40-D  
Palm Location 7580**

**You can fax the Directors/SPE response to 571-270-9990**

*Lamonte Newsome*

Certificates of Correction Branch

703-756-1574

**Thank You For Your Assistance**

**The request for issuing the above-identified correction(s) is hereby:**

Note your decision on the appropriate box.

**Approved**

All changes apply.

**Approved in Part**

Specify below which changes **do not** apply.

**Denied**

State the reasons for denial below.

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
**SPE**

\_\_\_\_\_  
**Art Unit**

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**



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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THOMTE LAW OFFICE, L.L.C.  
SUITE 1111  
2120 S. 72ND STREET  
OMAHA, NE 68124

**MAILED**  
**MAY 02 2011**  
**OFFICE OF PETITIONS**

In re Application of Hugg :  
Application No. 12/229,572 : Decision on Petition  
Filing Date: August 25, 2008 :  
For: Foam Spraying Rig :

This is a decision on the petition under 37 CFR 1.137(b) filed February 28, 2011, which requests revival of the application.

The petition is **granted**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed June 15, 2010, which set a shortened statutory period for reply of three (3) months. An extension of time under the provisions of 37 CFR 1.136(a) was not obtained. Accordingly, the above-identified application became abandoned on September 16, 2010. A Notice of Abandonment was mailed on January 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,
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
- (4) A terminal disclaimer and fee if the application was filed on or before June 8, 1995, or if the application is a design application.

The petition satisfies the requirements of 37 CFR 1.137(b) in so far as Petitioner has supplied a reply in the form of an amendment, the required petition fee of \$810, and the required statement of unintentional delay. Therefore, the petition is granted and the application is revived.

The petition is accompanied by a terminal disclaimer. However, a terminal disclaimer is unnecessary because the application is a utility application filed after June 8, 1995. Therefore, the terminal disclaimer has not been entered and the Office has scheduled a refund of the \$70 terminal disclaimer fee.

Technology Center Art Unit 3752 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



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BAYER HEALTHCARE LLC  
CONSUMER CARE DIVISION  
36 COLUMBIA ROAD  
MORRISTOWN NJ 07962

**MAILED**  
AUG 23 2010  
OFFICE OF PETITIONS

In re Application of :  
Sene et al. :  
Application No. 12/229,621 : DECISION ON PETITION  
Filed: 08/26/2008 :  
Attorney Docket No. BHC 061017 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 23, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed July 16, 2009, which set a shortened statutory period for reply of three (3) months. Petitioner did not submit a request for an extension of time within the six-month-statutory period for reply pursuant to 37 CFR 1.136(a). Accordingly, the application became abandoned on October 17, 2009. On February 16, 2010, the Office mailed a Notice of Abandonment.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply, (2) the petition fee, and (3) an acceptable 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). The \$1,110.00 extension of time fee was paid after the maximum extendable period for reply. Accordingly, this fee is unnecessary and will be refunded in due course.

This application is being referred to Technology Center AU 1655 for appropriate action by the Examiner on the reply received on March 23, 2010.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3211.

A handwritten signature in black ink that reads "C. T. Donnell". The signature is written in a cursive, slightly slanted style.

Christina Tartera Donnell  
Senior Petitions Attorney  
Office of Petitions



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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**

**JUN 28 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Charles H. Boggess :  
Application No. 12/229,642 : **DECISION ON PETITION**  
Filed: August 25, 2008 : **TO WITHDRAW FROM RECORD**  
Attorney Docket No. 103613-0002 :  
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 1, 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 April 19, 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: Charles H. Boggess  
PO Box 208  
Lake Oswego, OR 97034



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**MONTGOMERY PATENT AND DESIGN, LLC**  
**375 SOUTHPOINTE BLVD., SUITE 100-110**  
**CANONSBURG, PA 15317**

**MAILED**

**SEP 20 2010**

**OFFICE OF PETITIONS**

In re Application of :  
Harold S. Daigle :  
Application No. 12/229,762 : **DECISION ON PETITION**  
Filed: August 26, 2008 :  
Attorney Docket No. RCM-081508SAI-1 :

This is a decision on the renewed petition, filed August 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**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (new Notice), mailed December 2, 2008. The new Notice set a period for reply of two (2) months from the mail date of the new Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 3, 2009. A Notice of Abandonment was mailed August 10, 2009.

Petitioner asserts that the New Notice to File Missing Parts of Nonprovisional Application mailed December 2, 2008, was not received.

A review of the written record indicates no irregularity in the mailing of the Notice and, in the absence of any irregularity, there is a strong presumption that the Notice was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Notice was not in fact received. In this regard, the showing required to establish the failure to receive the Notice must consist of the following:

1. a statement from practitioner stating that the Notice was not received by the practitioner 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 Notice was not received; and
3. a copy of the docket record where the nonreceived Notice would have been entered had it been received and docketed must be attached to and referenced in the practitioner's statement.

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

The petition satisfies the above-stated requirements. In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

This application is being referred to the of Patent Application Processing (OPAP) for re-mailing the Notice of December 2, 2008. The period for reply will run from the mailing date of the Notice.

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571) 272-6059.



Carl Friedman  
Petitions Examiner  
Office of Petitions



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Ekse Law Firm, PC  
200 N. Sandberg Drive  
Sioux Falls, SD 57110

**MAILED**

**FEB 28 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Glenn Campbell :  
Application No. 12/229,820 :  
Filed: August 27, 2008 :  
Attorney Docket No. 08-1034 :

**DECISION ON PETITION  
UNDER 37 CFR 1.137(b)**

This is a decision on the petition filed December 16, 2010, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. See 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on June 8, 2009. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

- (1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
- (2) the petition fee as set forth in 37 CFR 1.17(m); and
- (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

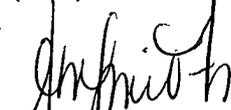
The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing which sets forth the projected publication date of June 9, 2011, accompanies this decision on petition.

Since the correspondence address of record differs from the address given in the present petition, a courtesy copy of this decision is being mailed to the address given in the petition. Thereafter, all future correspondence will be mailed solely to the address of record until otherwise instructed.

This application is being referred to Technology Center Art Unit 3677 for further processing in accordance with this decision.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.



Andrea Smith  
Petitions Examiner  
Office of Petitions

cc: Ekse Law Firm, PC  
600 N. Sandberg Drive  
Sioux Falls, SD 57110



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
12/229,820	08/27/2008	Glenn Campbell	08-1034

74512  
Ekse Law Firm, PC  
200 N. Sandberg Drive  
Sioux Falls, SD 57110

**CONFIRMATION NO. 1670**  
**NONPUBLICATION RESCISSION**  
**LETTER**



0C00000046247861

Date Mailed: 03/01/2011

**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 06/09/2011.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"<sup>1</sup> 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.

<sup>1</sup> 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".

/amsmith/

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

**WOLF GREENFIELD & SACKS, P.C.**  
**600 ATLANTIC AVENUE**  
**BOSTON MA 02210-2206**

**MAILED**

**MAR 16 2012**

**OFFICE OF PETITIONS**

In re Application of :  
Kenji Shiba :  
Application No. 12/229,877 : DECISION GRANTING PETITION  
Filed: August 27, 2008 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. S1459.70494US00 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, March 15, 2012 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

*Petitioner is advised that the issue fee paid on February 23, 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.<sup>1</sup>*

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

---

<sup>1</sup> *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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/229,879	08/27/2008	Genbao Shi	33849-224	1184
30903	7590	06/13/2011	EXAMINER	
CRAIN, CATON & JAMES FIVE HOUSTON CENTER 1401 MCKINNEY, 17TH FLOOR HOUSTON, TX 77010			GOOD JOHNSON, MOTILEWA	
			ART UNIT	PAPER NUMBER
			2628	
			NOTIFICATION DATE	DELIVERY MODE
			06/13/2011	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):

wjensen@craincaton.com  
jHUDSON@craincaton.com  
ipdocket@craincaton.com



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CRAIN, CATON & JAMES  
FIVE HOUSTON CENTER  
1401 MCKINNEY, 17TH FLOOR  
HOUSTON TX 77010

In Re Application of  
**SHI, GENBAO**, et al.  
Application Serial No. **12/229,879**  
Filed: **August 27, 2008**  
For: **SYSTEMS AND METHODS FOR  
COMPUTING A VARIOGRAM MODEL**

:  
:  
DECISION ON PETITION  
TO ACCEPT COLOR  
DRAWINGS  
:  
:

This is a decision on the petition under 37 C.F.R. § 1.84(a)(2), filed January 29, 2009, requesting acceptance of color drawings.

The petition requests that the color drawings, noted as figure 4A be accepted.

A grantable petition under 37 C.F.R. § 1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), three (3) sets of the color drawings in question, a black and white photocopy of said drawings, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

*" The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee. "*

Petitioner has met the requirements set forth above. Accordingly, the petition is **Granted**.

Any inquiry regarding this decision should be directed to Daniel Swerdlow, Quality Assurance Specialist, at (571) 272-7531.

/ Daniel Swerdlow /

\_\_\_\_\_  
Daniel Swerdlow  
Quality Assurance Specialist  
Technology Center 2600  
Communications



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**CHARLES E. BAXLEY, ESQUIRE**  
**90 JOHN STREET**  
**SUITE 403**  
**NEW YORK, NY 10038**

**MAILED**  
**JAN 31 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
CHEN :  
Application No. 12/229,884 : **DECISION ON PETITION**  
Filed: August 27, 2008 :  
Attorney Docket No. 17772 B (FP0961010B) :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 27, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to submit corrected drawings in a timely manner in reply to the Notice of Allowance and Fee(s) Due, mailed August 23, 2010, which set a period for reply of three (3) months. Accordingly, this application became abandoned on November 24, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of corrected drawings, (2) the petition fee of \$810; and (3) a proper statement of unintentional delay.

The Examiner assigned to this application has approved the corrected drawings filed with the petition on December 27, 2010.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

The application is being referred to the Office of Data Management for processing into a patent.

/Diane C. Goodwyn/  
Diane C. Goodwyn  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
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P.O. Box 1450  
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KEATY LAW FIRM, LLC  
365 CANAL STREET, Suite 2410  
NEW ORLEANS, LA 70130

MAILED

FEB 08 2011

In re Application of	:	OFFICE OF PETITIONS
<b>Edgar G. VOLLENWEIDER</b>	:	
Application No. 12/229,895	:	DECISION ON PETITION
Filed: August 28, 2008	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. v06-2338	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 11, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed January 26, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on April 27, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$810; and (3) 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 3723 for appropriate action by the Examiner in the normal course of business on the reply received August 11, 2010.

  
Thurman K. Page  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
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Alexandria, Virginia 22313-1450  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/229,903	08/27/2008	Thomas Robotham	4276.1000-001	1367

7590 11/02/2010  
HAMILTON, BROOK, SMITH & REYNOLDS, P.C.  
530 VIRGINIA ROAD  
P.O. BOX 9133  
CONCORD, MA 01742-9133

EXAMINER

BRUCE, DAVID VERNON

ART UNIT	PAPER NUMBER
2875	

MAIL DATE	DELIVERY MODE
11/02/2010	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 1, 2010

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.  
530 VIRGINIA ROAD  
P.O. BOX 9133  
CONCORD MA 01742-9133

In re Application of :  
Thomas Robotham : **DECISION ON PETITION**  
Application No. 12229903 :  
Filed: 08/27/2008 : **ACCEPTANCE OF COLOR**  
Attorney Docket No. 4276.1000-001 : **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 22, 2008.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

*"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."*

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is **GRANTED**.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Kimberly Terrell/  
Manager  
Office of Data Management  
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

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**CLAUDIO FILIPPONE**  
**8708 48TH PLACE**  
**COLLEGE PARK MD 20740**

**MAILED**

**MAY 23 2011**

**OFFICE OF PETITIONS**

In re Application of :  
**FILIPPONE**, Claudio :  
Application No. 12/230,004 : **DECISION ON PETITION**  
Filed: August 21, 2008 :  
Attorney Docket No. :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 26, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, September 02, 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 03, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$810.00, and (3) a proper statement of unintentional delay. Accordingly, the reply to the non-final Office action of September 03, 2009 is accepted as having been unintentionally delayed.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See In re Application of S.*, 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$555.00 extension of time fee submitted with the petition on April 26, 2011 was subsequent to the maximum extendable period for reply, this fee is unnecessary and has been refunded.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

This application is being referred to Technology Center AU 3748 for appropriate action by the Examiner in the normal course of business on the reply received



Michelle R. Eason  
Paralegal Specialist  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/230,036	08/21/2008	Dawei Xu	MJS-160-593	7841
7590		12/27/2011	EXAMINER	
NIXON & VANDERHYE, PC		ARMSTRONG, ANGELA A		
901 NORTH GLEBE ROAD, 11TH FLOOR		ART UNIT	PAPER NUMBER	
ARLINGTON, VA 22203		2626		
		NOTIFICATION DATE	DELIVERY MODE	
		12/27/2011	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



THE NATH LAW GROUP  
112 SOUTH WEST STREET  
ALEXANDRIA VA 22314

**MAILED**  
**MAR 14 2011**  
**OFFICE OF PETITIONS**

In re Application of :

**WROSCH, Matthew B.** :

Application No. 12/230,061 :

Filed: August 22, 2008 :

Attorney Docket No. 90792U :

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 07, 2011.

The request is **NOT APPROVED**.

The Office has revised its change in procedure for request to withdraw from representation applies to requests filed on or after May 12, 2008.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request to change the correspondence address is not that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71 who has properly intervened.

If an assignee has intervened in this application, then a Statement under 37 CFR 3.73(b) or a copy of the actual assignment must be submitted with a renewed request.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272- 2783.

/Tredelle D. Jackson/  
Paralegal Specialist  
Office of Petitions

cc: **CREATIVE ELECTRON, INC.**  
**253 PAWNEE STREET**  
**SAN MARCOS CA 92078**

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

Paper No.: \_\_\_\_\_

DATE : November 1, 2010

TO SPE OF : ART UNIT 2879 - SPE Nimeshkumar D. Patel

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/230,127 Patent No.: 7,733,002 B2

Please respond to this request for a certificate of correction within 7 days.

**FOR IFW FILES:**

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

**FOR PAPER FILES:**

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)  
Randolph Square Building  
2800 South Randolph Street  
Arlington, VA 22206**

**Antonio Johnson**

Should the information as requested by applicant be inserted in the Related U.S. Applications Data?  
See COCIN dated 10-05-2010

\_\_\_\_\_  
Certificates of Correction Branch  
(571)272-0483

**Thank You For Your Assistance**

**The request for issuing the above-identified correction(s) is hereby:**

Note your decision on the appropriate box.

**Approved**

**All changes apply.**

**Approved in Part**

Specify below which changes **do not** apply.

**Denied**

State the reasons for denial below.

**Comments:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
SPE /NDP/ Art Unit 2879

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

**SPE**

**Art Unit**



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/230,272	08/27/2008	Hsin Cheng	72-1173	1024
57618	7590	04/11/2011	EXAMINER	
PLUMSEA LAW GROUP, LLC			TRIMIEW, RAEANN	
10411 MOTOR CITY DRIVE			ART UNIT	PAPER NUMBER
SUITE 320			3711	
BETHESDA, MD 20817			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  
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Alexandria, Virginia 22313-1450

<b>APPLICATION NO./ CONTROL NO.</b>	<b>FILING DATE</b>	<b>FIRST NAMED INVENTOR / PATENT IN REEXAMINATION</b>	<b>ATTORNEY DOCKET NO.</b>
12230272	8/27/08	CHENG ET AL.	72-1173

PLUMSEA LAW GROUP, LLC  
10411 MOTOR CITY DRIVE  
SUITE 320  
BETHESDA, MD 20817

**EXAMINER**

Raeann Trimiew

<b>ART UNIT</b>	<b>PAPER</b>
-----------------	--------------

3711

20110404

**DATE MAILED:**

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

In view of the papers filed 3/6/09, it has been found that this nonprovisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 CFR 1.48(a). The inventorship of this application has been changed by adding inventors Hideyuki Ishii and Yukata Kabeshita.

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.

/Raeann Trimiew/  
Primary Examiner  
Art Unit: 3711



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/230,324	08/27/2008	Yasushi Yui	1381.1062	9912
21171	7590	12/07/2011	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			FREEMAN, JOHN D	
			ART UNIT	PAPER NUMBER
			1787	
			MAIL DATE	DELIVERY MODE
			12/07/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
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DEC 07 2011

In re application of :  
Yui : DECISION ON  
Serial No. 12/230,324 : PETITION  
Filed: August 27, 2008 :  
For: **ARTICLE MADE OF BIODEGRADABLE RESIN**  
**AND METHOD OF MAKING THE SAME**

This is a decision on the request originally filed on October 11, 2011. The request is to resend and reset the response period from the Office Action mailed April 13, 2011. Applicants assert that during a routine check of the status of the application on PAIR, Applicants discovered that an Office Action was issued on April 13, 2011. This was the first time that Applicants knew of the Office Action because the Office Action had not been received by the Applicants.

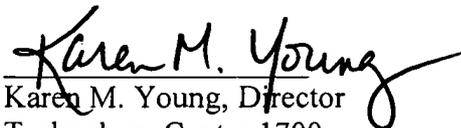
**DECISION**

The instant request is accepted as a timely petition under 37 C.F.R. 1.181 (no fee), and is evaluated under the procedures regarding an acceptable showing of non-receipt of an office action, TMOG 1156 O.G. 53, November 16, 1993, (see also MPEP 711.03(c) - NEW PROCEDURE TMOG 1170 O.G. 114).

A review of the petitioner's evidence indicates that the request has merit.

The Petition is **GRANTED**.

The Office Action of April 13, 2011 will be remailed and the date for response will be set from the mail date of the new action.

  
Karen M. Young, Director  
Technology Center 1700  
Chemical and Materials Engineering

wk

William F. Herbert  
STAAS & HALSEY LLP  
SUITE 700  
1201 NEW YORK AVENUE, N.W.  
WASHINGTON DC 20005



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BACON & THOMAS, PLLC  
625 SLATERS LANE  
FOURTH FLOOR  
ALEXANDRIA, VA 22314-1176

Mail Date: 08/05/2010

**Applicant** : Wen Ho Yang : DECISION ON REQUEST FOR  
**Patent Number** : 7654854 : RECALCULATION of PATENT  
**Issue Date** : 02/02/2010 : TERM ADJUSTMENT IN VIEW  
**Application No** : 12/230,339 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 08/28/2008 : ISSUE CERTIFICATE OF CORRECTION  
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **16** 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

**PILLSBURY WINTHROP SHAW PITTMAN, LLP  
P.O. BOX 10500  
MCLEAN VA 22102**

**MAILED**

**APR 12 2011**

In re Patent No. 7,706,057 :  
Issue Date: April 27, 2010 :  
Application No. 12/230,384 :  
Filed: August 28, 2008 :  
Attorney Docket No. 081468-0373367 :

**OFFICE OF PETITIONS**

**ON PETITION**

This is a decision on the petition under 37 CFR 1.182, filed January 31, 2011, requesting issuance of a duplicate Letters Patent for the above-identified patent.

The petition is **GRANTED**.

The Office of Data Management is directed to issue a duplicate Letters Patent.

Telephone inquiries concerning this decision may be directed to Kimberly Inabinet at (571) 272-4618. Inquiries regarding the issuance of a duplicate Letters Patent may be directed to the Office of Data Management at (703) 308-9250.

A copy of this decision is being forwarded to the Publishing Division for issuance of duplicate Letters Patent.

/Carl Friedman/  
Carl Friedman  
Petitions Examiner  
Office of Petitions

cc: Ollie Person (Fax - 571-270-9764)  
Kimberly Terrell (Fax - 571-270-9958)



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.
12/230,412	08/28/2008	Kosuke Kato	1080.1289	2035
21171	7590	07/22/2011	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			CHANG, JUNGWON	
			ART UNIT	PAPER NUMBER
			2454	
			MAIL DATE	DELIVERY MODE
			07/22/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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STAAS & HALSEY LLP  
SUITE 700  
1201 NEW YORK AVENUE, N.W.  
WASHINGTON DC 20005

Application No.: 12230412 :  
Filed: 08/28/2008 : **DECISION ON PETITION**  
Patent Number: 7,925,745 :  
Issue Date: 04/12/11 :  
Attorney Docket No. **1080.1289** :

This is a decision on the Petition filed under 37 CFR 1.181 received in the United States Patent and Trademark Office (USPTO) on July 13, 2011. Petitioner seeks relief from filing a Petition for Duplicate Letters Patent in this application due to the non-receipt of a large number of Patent Grants in the April 12, 2011 issue.

The Petition is **GRANTED**.

Petitioner submitted a statement that the Patent Grant was not received at the correspondence address of record; that a search of records did not indicate receipt; and that the docketing system is sufficiently reliable. Petitioner filed a copy of the docketing records showing receipts dates and application history as evidence.

Therefore, the Office of Data Management will provide one additional Original Letters Patent for this application.

Telephone inquiries relating to this matter may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Kimberly Terrell/  
Manager  
Office of Data Management  
Patent Publication 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.
12/230,452	08/28/2008	Hideki Yoshida	MJS-249-507	1693

7590 06/29/2011  
NIXON & VANDERHYE, PC  
901 NORTH GLEBE ROAD, 11TH FLOOR  
ARLINGTON, VA 22203

EXAMINER
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CHAN, EDDIE P

ART UNIT	PAPER NUMBER
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2183

MAIL DATE	DELIVERY MODE
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06/29/2011

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

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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : February 17, 2012

In re Application of :

Katsumi Maeda

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12230485

Filed : 29-Aug-2008

Attorney Docket No : 069974-0162

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed February 17, 2012, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

**Petitioner is advised that the issue fee paid 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 1764 for processing of the request for continuing examination under 37 CFR 1.114.

Office of Petitions

Electronic Petition Request	<b>PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)</b>
Application Number	12230485
Filing Date	29-Aug-2008
First Named Inventor	Katsumi Maeda
Art Unit	1764
Examiner Name	KARUNA REDDY
Attorney Docket Number	069974-0162
Title	(METH)ACRYLATE DERIVATIVE, POLYMER AND PHOTORESIST COMPOSITION HAVING LACTONE STRUCTURE, AND METHOD FOR FORMING PATTERN BY USING IT

An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).

A grantable petition requires the following items:

- (1) Petition fee; and
- (2) One of the following reasons:
  - (a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;
  - (b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or
  - (c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).

**Petition Fee**

- Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).
- Applicant(s) status remains as SMALL ENTITY.
- Applicant(s) status remains as other than SMALL ENTITY

Reason for withdrawal from issue

- One or more claims are unpatentable
- Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- I certify, in accordance with 37 CFR 1.4(d)(4) that :
- The RCE request ,submission, and fee have already been filed in the above-identified application on 2012.02.17
  - 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	/George E. Quillin/
Name	George E. Quillin
Registration Number	32792

Electronic Petition Request	<b>PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)</b>
Application Number	12230536
Filing Date	29-Aug-2008
First Named Inventor	Tomohito Nakata
Art Unit	2437
Examiner Name	MATTHEW SMITHERS
Attorney Docket Number	221.1202
Title	DATA RELAY DEVICE AND DATA RELAY METHOD

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	/Aaron C. Walker/
Name	Aaron C. Walker
Registration Number	59921



## UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
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P.O. Box 1450  
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[www.uspto.gov](http://www.uspto.gov)

Decision Date : November 17,2011

In re Application of :

Tomohito Nakata

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12230536

Filed : 29-Aug-2008

Attorney Docket No : 221.1202

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed November 17,2011] to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

**Petitioner is advised that the issue fee paid 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 2437 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/230,539	08/29/2008	Takayuki Miyajima	137459	2215

7590 08/19/2010  
OLIFF & BERRIDGE, PLC  
P.O. BOX 320850  
ALEXANDRIA, VA 22320-4850

EXAMINER

RAMOS FELICIANO, ELISEO

ART UNIT PAPER NUMBER

2857

NOTIFICATION DATE DELIVERY MODE

08/19/2010

ELECTRONIC

**DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)**  
*The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

*Nicole Sarnes*  
Patent Publication Branch  
Office of Data Management

08/19/2010 08/19/2010 08/19/2010  
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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.
12/230,558	09/02/2008	Darin Evans	28107	3004
26975	7590	12/22/2010	EXAMINER	
MARIO D. THERIAULT 812 HWY. 101 NASONWORTH FREDERICTON, NB E3C 2B5 CANADA			COOLEY, CHARLES E	
			ART UNIT	PAPER NUMBER
			1774	
			MAIL DATE	DELIVERY MODE
			12/22/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
P.O. Box 1450  
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DEC 22 2010

CST

In re application of	:	DECISION ON REQUEST TO
Darin Evans et al	:	PARTICIPATE IN PATENT
Serial No. 12/230,558	:	PROSECUTION HIGHWAY
Filed: September 2, 2008	:	PROGRAM AND
For: MOVABLE AGRICULTURAL	:	PETITION TO MAKE SPECIAL
RESERVOIR COVER WITH HATCH	:	UNDER 37 CFR 1.102(a)

This is a decision on the supplemental request to participate in the Patent Prosecution Highway (PPH) program, filed September 28, 2010.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the CIPO, note where the CIPO 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 CIPO application with similar claims and the CIPO priority application;

(2) Applicant must submit a copy of:

- a. The allowable/patentable claim(s) from the CIPO application(s)
- 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 CIPO application(s); and
- b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:

- a. Documentation of prior office action:

Application No. 12/230,558

- a copy of the office action(s) from each of the CIPO application(s) containing the allowable/patentable claims(s);
- b. An English language translation of the CIPO Office action; and
- c. A statement that the English translation is accurate; and

(6) Applicant must submit:

- a. An IDS listing the documents cited by the CIPO examiner in the CIPO office action (unless already submitted in this application)
- b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

The request to participate in the PPH program and petition fail because:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the CIPO, note where the CIPO 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 CIPO application with similar claims and the CIPO priority application.

Applicant has not identified the relationship between the present application and CIPO application 2,639,348. Note that the present application does not claim priority to CIPO application 2,639,348. See the OG Notice of 14 January 2008.

Applicant is given a time period of **ONE MONTH OR THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected within the time period given, the application with await action in its regular turn.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

/Christine Tierney/

---

Christine Tierney  
Quality Assurance Specialist  
Technology Center 1700



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[www.uspto.gov](http://www.uspto.gov)

**ROSENBERG, KLEIN & LEE  
3458 ELLICOTT CENTER DRIVE-SUITE 101  
ELLICOTT CITY MD 21043**

**MAILED**

**JUN 15 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
Tsan-Tang Fang	:	<b>DECISION ON PETITION</b>
Application No. 12/230,717	:	<b>TO WITHDRAW</b>
Filed: September 4, 2008	:	<b>FROM RECORD</b>
Attorney Docket No. MR1917-214	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed May 12, 2011.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Morton J. Rosenberg on behalf of all attorneys of record associated with Customer Number 04586. However, since the practitioners were not appointed by a Customer Number upon filing of the instant application, petitioner may not withdraw the practitioners by Customer Number.

All future communications from the Office will continue to be directed to above-listed address until otherwise notified by applicant.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751.

/Joan Olszewski/  
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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**ROSENBERG, KLEIN & LEE  
3458 ELLICOTT CENTER DRIVE-SUITE 101  
ELLICOTT CITY MD 21043**

**MAILED**

**JUL 05 2011**

**OFFICE OF PETITIONS**

In re Application of  
Tsan-Tang Fang  
Application No. 12/230,717  
Filed: September 4, 2008  
Attorney Docket No. MR1917-214

**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 29, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Morton J. Rosenberg on behalf of all attorneys of record.

All attorneys/agents associated with the above-identified application have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the applicant at the address indicated below.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

/Joan Olszewski/  
Joan Olszewski  
Petitions Examiner  
Office of Petitions

cc: TSAN-TANG FANG  
9F-3 NO.23 W. SEC.  
DONGNING RD., EAST DISTRICT  
TAINAN CITY 701 TAIWAN



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MILES & STOCKBRIDGE PC  
1751 PINNACLE DRIVE, SUITE 500  
MCLEAN, VA 22102-3833

**MAILED**  
NOV 08 2010

In re Application of :  
Hui Ge :  
Application No. 12/230,785 :  
Filed: September 4, 2008 :  
Attorney Docket No.: 100488-15555US01 :

**OFFICE OF PETITIONS**  
  
**DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 19, 2010.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request is filed by Gianna J. Arnold on behalf of all the practitioners of record associated with Customer Number 00181.

The Office no longer accepts an address change to the new practitioner identified in the request, absent the filing of a power of attorney to the new representative. The Office will, however, change the correspondence address of record to the most current address provided for (1) the intervening assignee of the entire interest or (2) the first named inventor.

The request to withdraw from record cannot be approved at this time, since a current correspondence address was not provided.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-3210. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

  
Irvin Dingle  
Petitions Examiner  
Office of Petitions



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REMENICK PLLC  
1025 THOMAS JEFFERSON STREET, NW  
WASHINGTON, DC 20007

**MAILED**

**DEC 06 2010**

In re Application of  
Hui Ge  
Application No. 12/230,785  
Filed: September 4, 2008  
Attorney Docket No. 3015.002.US

**OFFICE OF PETITIONS**

**DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed November 15, 2010.

The request is **APPROVED**.

A review of the file record indicates that Gianna J. Arnold: (1) does not have power of attorney in this patent application; and (2) has been employed or otherwise engaged in the proceedings in this patent application. In view of the present decision, Gianna J. Arnold has been withdrawn from the present application and may not prepare or submit papers under 37 C.F.R. § 1.34, or correspond in any manner in this application unless appointed in an acceptable power of attorney under 37 C.F.R. § 1.32(b).

Telephone inquiries concerning this decision should be directed to Irvin Dingle at 571-272-3210.

*Irvin Dingle*  
Irvin Dingle  
Petitions Examiner  
Office of Petitions

cc: Gianna J. Arnold  
Miles & Stockbridge P.C., Suite 500  
1751 Pinnacle Drive  
McLean, VA 22102-3833



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United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
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STOLOWITZ FORD COWGER LLP  
621 SW MORRISON ST  
SUITE 600  
PORTLAND OR 97205

**MAILED**  
**APR 25 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Brian Benson :  
Application No. 12/230,802 : ON PETITION  
Filed: September 4, 2008 :  
Attorney Docket No. 1525-0002 :

This is a decision on the petition to revive under  
37 CFR 1.137(b), filed March 15, 2011.

The petition under 37 CFR 1.137(b) is **GRANTED**.

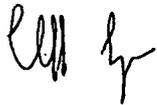
The above-identified application became abandoned for failure to timely file a reply to the Notice to File Missing Parts, mailed September 23, 2008. This Notice set an extendable period for reply of two (2) months for applicant to submit replacement drawings, the statutory basic filing fee, search fee, and examination fee, and an oath or declaration, together with the surcharge for its late filing. No reply having been received, the application became abandoned on November 24, 2008. The Office mailed a Notice of Abandonment on June 24, 2009.

With the instant petition, applicant paid the petition fee, made the proper statement of unintentional delay, and submitted the required reply in the form of replacement drawings, the required filing fees, and a declaration and surcharge.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The application is being forwarded to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.



Cliff Congo  
Petitions Attorney  
Office of Petitions



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**THE NATH LAW GROUP**  
**112 South West Street**  
**Alexandria VA 22314**

**MAILED**

**DEC 06 2010**

**OFFICE OF PETITIONS**

In re Application of :  
Robson Splane : DECISION ON PETITION  
Application No. 12/230,898 : TO WITHDRAW  
Filed: September 8, 2008 : FROM RECORD  
Attorney Docket No. 90875U :

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed November 23, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks the name of the first inventor or the assignee of record that is associated with the address listed in the request. Therefore, the change of correspondence address is considered improper.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

*An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

Application No. 12/230,898

Page 2

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4584.

/JoAnne Burke/  
JoAnne Burke  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/230,900	09/08/2008	David Naor	44481	5024

7590 02/02/2011  
MARTIN D. MOYNIHAN d/b/a PRTSI, INC.  
P.O. BOX 16446  
ARLINGTON, VA 22215

EXAMINER

HADDAD, MAHER M

ART UNIT	PAPER NUMBER
1644	

1644

MAIL DATE	DELIVERY MODE
02/02/2011	PAPER

02/02/2011

PAPER

**ACKNOWLEDGEMENT OF REQUEST**

*Notice of Allowance/Allowability Mailed*

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101  
Application Assistance Unit  
Office of Data Management



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February 1, 2011

MARTIN D. MOYNIHAN d/b/a PRTSI, INC.  
P.O. BOX 16446  
ARLINGTON VA 22215

In re Application of :  
David Naor, et al : **DECISION ON PETITION**  
Application No. 12230900 :  
Filed: 09/08/2008 : **ACCEPTANCE OF COLOR**  
Attorney Docket No. 44481 : **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 12, 2008.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Laura Feldman/  
Quality Control Specialist  
Office of Data Management  
Publications Branch



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DAHYEE LAW GROUP  
5776 STONERIDGE MALL RD  
SUITE 288  
PLEASANTON CA 94588

**MAILED**  
APR 19 2011  
OFFICE OF PETITIONS

In re Application of :  
Zupei Chen :  
Application No. 12/231,046 : ON PETITION  
Filed: August 29, 2008 :  
Attorney Docket No. CHNZ0001 :  
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 24, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement (PTO/SB/130 form) by the applicant that applicant is 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 1728 for action on the merits commensurate with this decision.

/Joan Olszewski/  
Joan Olszewski  
Petitions Examiner  
Office of Petitions



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Table with columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO., EXAMINER, ART UNIT, PAPER NUMBER, NOTIFICATION DATE, DELIVERY MODE. Includes application details for SONYJP and examiner RIVERO, ALEJANDRO.

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)
The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will not be recognized for the reason(s) indicated below:

- 1. [X] The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. [ ] The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. [ ] The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. [ ] The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Signature of Mimi James
Patent Publication Branch
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
12/231,112 08/29/2008 Tseng-Rong Tu WYN-511US 2796

7590 03/15/2011
Basu Intellectual Property, PC
2225 E Bayshore Road
Suite 200
Palo Alto, CA 94303

Table with 1 column: EXAMINER
FLOOD, MICHELE C

Table with 2 columns: ART UNIT, PAPER NUMBER
1655

Table with 2 columns: MAIL DATE, DELIVERY MODE
03/15/2011 PAPER

ACKNOWLEDGEMENT OF REQUEST
Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management



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March 14, 2011

Basu Intellectual Property, PC  
2225 E Bayshore Road  
Suite 200  
Palo Alto CA 94303

re Application of  
TU, TSENG-RONG, ET. AL  
Application No: 12/231112  
Filed: 08/29/2008  
Attorney Docket No: WYN-511US:

: **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) January 19, 2010.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

*"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."*

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is **GRANTED**.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Bernadette Queen/  
Quality Control Specialist  
Office of Data Management  
Publications Branch



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**DAVID AND RAYMOND PATENT FIRM  
108 N. YNEZ AVE., SUITE 128  
MONTEREY PARK CA 91754**

**MAILED**

**OCT 13 2010**

In re Application of :  
Ming Yang Wang : **OFFICE OF PETITIONS**  
Application No. 12/231,218 : **DECISION ON PETITION**  
Filed: August 29, 2008 :  
Attorney Docket No. CIP4288T/TW001-ESI2 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 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, November 24, 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 25, 2010. A Notice of Abandonment was mailed July 19, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$405.00 and the submission required by 37 CFR 1.114; (2) the petition fee of \$810.00; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This matter is being referred to Technology Center AU 3746 for processing of the Request for Continued Examination under 37 CFR 1.114 and the Amendment filed with the instant petition.

Joan Olszewski  
Petitions Examiner  
Office of Petitions



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MICHAEL REGAN  
291 W. HORTON ST.  
PORT HADLOCK WA 98339

**MAILED**

SEP 29 2011

In re Application of :  
Michael Regan :  
Application No. 12/231,265 :  
Filed: September 2, 2008 :  
For: FLUID PRESSURIZED STRUCTURAL :  
COMPONENTS :

**OFFICE OF PETITIONS**

**ON PETITION**

This is a decision in response to the petition, filed August 31, 2011, to withdraw the holding of abandonment under the provisions of 37 CFR 1.181 (no fee).

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).

The application became abandoned for failure to reply in a timely manner to the Notice of Non-Compliant Amendment (Notice), mailed January 7, 2011. The Notice set a period for reply of one (1) month from the mail date of the Notice. A Notice of Abandonment was mailed on August 22, 2011.

In response, on August 31, 2011, the present petition was filed, wherein petitioner requests that the Office withdraw the holding of abandonment due to nonreceipt of the January 7, 2011 Notice.

A review of the written record indicates no irregularity in the mailing of the Notice on January 12, 2011, and, in the absence of any irregularity, there is a strong presumption that the Notice was properly mailed to the applicant at the address of record. This presumption may be overcome by a showing that the Notice was not in fact received.

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.

**DISCUSSION OF PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT**

Petitioner states that "I always check my mailbox on a daily basis...Since there were only two patent applications that I was working on at that time I was very careful to reply to any

correspondence related to either of them.” Petitioner explains how he processes mails after reading it and where the correspondence is kept. Petitioner does not explain where he writes down due dates and how he knows when 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 Notice of January 7, 2011, was not entered into that system. Petitioner should include any available documentary evidence of the mail received, covering a reasonable period after January 7, 2011, to demonstrate nonreceipt of the January 7, 2011 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 the Notice, and where petitioner would have entered the receipt date of the Notice 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. Petitioner does not state that a search of the file jacket (or equivalent) and docket records indicates that the Office action was not received. Furthermore, petitioner must include a statement from himself and any other person at the address who may have handled the Notice, indicating that a search was conducted of the location where the correspondence from the USPTO would have been kept; however, the January 12, 2011 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 January 7, 2011; the period when he would have received the Notice.

The present petition fails to provide sufficient documented evidence to support a conclusion that the Notice of January 7, 2011 was not received. Accordingly, the petition to withdraw the holding of abandonment is cannot be granted at this time. A copy of the January 7, 2011 Notice accompanies this decision for petitioner’s convenience.

#### **ALTERNATIVE VENUE**

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, as well as the required reply if such has not been provided.

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).

A form for filing a petition to revive an unintentionally abandoned application accompanies this decision for petitioner’s convenience. If petitioner desires to file a petition under 37 CFR

1.137(b) instead of filing a request for reconsideration, petitioner must complete the enclosed petition form (PTO/SB/64) and pay the \$810<sup>1</sup> petition fee.

Petitioner may wish to consider hiring a registered patent practitioner to assist in the prosecution of this application. Alternatively, petitioner may wish to contact the Inventors Assistance Center (IAC) by telephone at 800-786-9199 or 571-272-1000, Monday through Friday from 8:30am to 5:30pm (EST). The IAC provides patent information and services to the public and is staffed by former Supervisory Patent Examiners and experienced Primary Examiners who answer general questions concerning patent examining policy and procedure.

Further correspondence with respect to this matter should be 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<sup>2</sup>

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204.

/SDB/

Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions

Enclosures:

- (1) Form PTO/SB/64, Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b); Privacy Act Statement
- (2) January 7, 2011 Notice of Non-Compliant Amendment

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<sup>1</sup> Effective September 26, 2011, the fee for an unintentional petition to revive is increased to \$930. Consequently, any petition fee paid after September 26, 2011, must be paid at the new amount.

<sup>2</sup> [www.uspto.gov/ebc/efs\\_help.html](http://www.uspto.gov/ebc/efs_help.html) (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)



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www.uspto.gov

MICHAEL REGAN  
291 W. HORTON ST.  
PORT HADLOCK, WA 98339

**MAILED**

NOV 03 2011

OFFICE OF PETITIONS

In re Application of :  
Michael Regan :  
Application No. 12/231,265 : **ON PETITION**  
Filed: September 2, 2008 :  
Attorney Docket No. None :

This is a decision in response to the petition under 37 CFR 1.137(b), filed October 18, 2011, to revive the above-identified application.

The petition is **DISMISSED**.

The application became abandoned for failure to reply in a timely manner to Notice of Non-Compliant Amendment (37 CFR 1.121) mailed, January 7, 2011. A Notice of Abandonment was mailed on August 22, 2011. On August 31, 2011 a petition under the provisions of 37 CFR 1.181 was filed; however, the petition was dismissed in a decision mailed September 29, 2011. In response on October 18, 2011, the present petition under 37 CFR 1.137(b) was filed.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

The petition lacks item (2), the requisite petition fee.

Petitioner should note that effective September 26, 2011, certain Patent and Trademark Office fees were increased, including the independent claim fees in excess of three and the fee for a petition to revive under 37 CFR 1.137(b). The small entity fee for a petition to revive an unintentionally abandoned application was increased to \$930 and the independent claim fee in excess of three was increased to \$125.

Petitioner submitted a fee payment of \$920, which was first applied to the \$125 excessive claim fee required and the balance of \$795 was applied towards the \$930 petition fee required. There is no authorization found in the papers filed October 18, 2011 to charge any fee deficiency. Since any fee paid on or after September 26, 2011, must be paid at the revised amount, petitioner must submit the petition fee deficiency of \$135.

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)" and the omitted items noted above. 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 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<sup>1</sup>

Any questions concerning this decision may be directed to the undersigned at (571) 272-3204.

/SDB/

Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions

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<sup>1</sup> [www.uspto.gov/ebc/efs\\_help.html](http://www.uspto.gov/ebc/efs_help.html) (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)



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[www.uspto.gov](http://www.uspto.gov)

MICHAEL REGAN  
291 W. HORTON ST.  
PORT HADLOCK, WA 98339

**MAILED**

**JAN 11 2012**

**OFFICE OF PETITIONS**

**ON PETITION**

In re Application of  
Michael Regan  
Application No. 12/231,265  
Filed: September 2, 2008  
Attorney Docket No.: None

:  
:  
:  
:  
:  
:

This is a decision in response to the renewed petition, filed November 14, 2011, 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 an Office communication mailed January 7, 2011. A Notice of Abandonment was subsequently mailed on August 22, 2011. On August 31, 2011, a petition under the provisions of 37 CFR 1.137(b) was filed on October 18, 2011; however, the petition was dismissed in a decision mailed November 3, 2011. On November 14, 2011, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of amendment; (2) the petition fee of \$930; and (3) an adequate statement of unintentional delay.

The application is being referred to Technology Center AU 3633 for appropriate action by the Examiner in the normal course of business.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

/SDB/

Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions



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United States Patent and Trademark Office  
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**J.E. McTaggart**  
**U.S. Patent Agent**  
**6650 Crescent Street**  
**Suite 4**  
**Ventura, CA 93003**

**MAILED**

**AUG 30 2010**

In re Application of	:	OFFICE OF PETITIONS
Jackson L. Crisp	:	
Application No. 12/231,274	:	DECISION ON PETITION
Filed: September 2, 2008	:	TO WITHDRAW
Attorney Docket No. 1527	:	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 21, 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 J.E. McTaggart 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 Jackson Crisp at the address indicated below.

There is an outstanding Office action mailed March 10, 2010 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

  
Terri Johnson  
Petitions Examiner  
Office of Petitions

cc: **Jackson L. Crisp**  
**P.O. Box 3155**  
**Gillette, WY 82717**



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 NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/231,274	09/02/2008	Jackson L. Crisp	1527

**CONFIRMATION NO. 2965**

**POWER OF ATTORNEY NOTICE**



20302  
J.E. McTaggart  
U.S. Patent Agent  
6650 Crescent Street  
Suite 4  
VENTURA, CA 93003

Date Mailed: 08/30/2010

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 07/21/2010.

- 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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SCHWEGMAN, LUNDBERG & WOESSNER, P.A.  
P.O. BOX 2938  
MINNEAPOLIS, MN 55402

**MAILED**

**MAR 07 2012**

**PCT LEGAL ADMINISTRATION**

In re Application of	:	
SUH	:	
Application No.: 12/231,278	:	DECISION ON PETITION
Filing Date: August 28, 2008	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No.: 2729.007US1	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed January 30, 2012, to accept an unintentionally delayed claim under 35 U.S.C. 120 and 365(c) for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed concurrently with the petition.

Under 37 CFR 1.78(a)(3), a petition to accept an unintentionally delayed claim under 35 U.S.C. 120, 121, or 365(c) for the benefit of a prior-filed application must be accompanied by:

- (i) the reference required by 35 U.S.C. 120 and 37 CFR 1.78(a)(2) to the prior-filed application, unless previously submitted;
- (ii) the surcharge set forth in 37 CFR 1.17(t); and
- (iii) a statement that the entire delay between the date the claim was due under 37 CFR 1.78 (a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

With regard to item (i), a reference to the prior-filed nonprovisional application has been included in an amendment to the first sentence of the specification following the title, as provided by 37 CFR 1.78(a)(2)(iii).

With regard to item (ii), the surcharge set forth in 37 CFR 1.17(t) has been submitted.

With regard to item (iii), the petition contains a proper statement of unintentional delay.

For the reasons above, the petition under 37 CFR 1.78(a)(3) is **GRANTED**.

Applicant is advised that the granting of a petition under 37 CFR 1.78(a)(3) or the inclusion of a prior-filed application on any Filing Receipt should not be construed as meaning that the

application is necessarily entitled to the benefit of the prior-filed application. In order for an application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. 120 and 37 CFR 1.78 must be met. The examiner will, in due course, determine whether this application is entitled to the benefit of an earlier filing date.

This matter is being referred to Technology Center Art Unit 2129 for appropriate action, including consideration by the examiner of applicant's entitlement to the benefit of priority under 35 U.S.C. 120 and 365(c) to the prior-filed nonprovisional application.



Bryan Lin  
PCT Legal Examiner  
Office of PCT Legal Administration  
571-272-3303

ATTACHMENT: Corrected Filing Receipt



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**FUESS & DAVIDENAS  
6 ANTHONY LN  
MABELVALE AR 72103**

**MAILED**

**NOV 08 2010**

**OFFICE OF PETITIONS**

In re Application of  
Szabo, Joanne  
Application No. 12/231,383  
Filed: September 2, 2008  
Attorney Docket No. JS 000P

:  
:  
:  
:  
:

**DECISION ON PETITION**

This is a decision on the petition, filed October 4, 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**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Application (Notice) mailed December 16, 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 February 17, 2009. A Notice of Incomplete Reply (Nonprovisional) was mailed June 23, 2009. A Notice of Abandonment was mailed on September 29, 2009.

Petitioner states that the Notice mailed December 16, 2008 was never 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 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.

This application is being referred to the Office of Patent Application Processing technical support staff for further processing and re-mailing the December 16, 2008 Notice. 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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DILWORTH & BARRESE, LLP  
1000 WOODBURY ROAD  
SUITE 405  
WOODBURY NY 11797

**MAILED**

DEC 07 2011

In re Application of Pertile : OFFICE OF PETITIONS  
Application No. 12/231,385 :  
Filed: September 2, 2008 : DECISION ON PETITION  
Attorney Docket No.: 1507-2 :  
For: USE OF PARGYLINE FOR THE :  
TREATMENT OF HAIR FOLLICLES :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 23, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely submit a proper reply to the Notice of Non-Compliant Amendment (37 CFR 1.121) mailed on May 5, 2011. The Notice set an extendable one-month reply period of June 5, 2011. No extension of time pursuant to 37 CFR 1.136 was obtained. A Notice of Abandonment was mailed on November 16, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$930.00, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

This application is being referred to Technology Center AU 1617 for appropriate action by the Examiner in the normal course of business on the reply received

Charlema Grant  
Attorney Advisor  
Office of Petitions



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Ober, Kaler, Grimes & Shriver  
120 East Baltimore Street  
Baltimore MD 21202-1643

**MAILED**

**DEC 06 2010**

**OFFICE OF PETITIONS**

In re Application of :  
Brian A. Colella :  
Application No. 12/231,544 : **DECISION ON PETITION**  
Filed: September 2, 2008 :  
Attorney Docket No. **027118.080003** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 22, 2010, to revive the above-identified application.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of January 4, 2010. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is April 5, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$405, and the submission required by 37 CFR 1.114; (2) the petition fee of \$810; and (3) a proper statement of unintentional delay.

The petition is hereby **GRANTED**.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4584.

This application is being referred to Technology Center AU 3685 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/  
JoAnne Burke  
Petitions Examiner  
Office of Petitions



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**JOHN E. SIMMS JR.**  
**6803 YORK ROAD, SUITE 202**  
**BALTIMORE MD 21212**

**MAILED**

**MAR 17 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Grist et al. :  
Application No. 12/231,656 : **DECISION ON PETITION**  
Filed: September 4, 2008 : **TO WITHDRAW FROM RECORD**  
Attorney Docket No. 08-126 :  
:

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 2, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

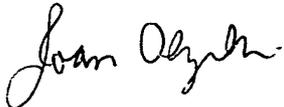
The request was signed by John E. Simms Jr. on behalf of all attorneys of record who are associated with Customer Number 34590.

All attorneys/agents associated with the Customer Number 34590 have been withdrawn. Applicants are reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor at the address indicated below.

Currently, there is an outstanding Office action mailed December 9, 2010 that requires a reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.



Joan Olszewski  
Petitions Examiner  
Office of Petitions

cc: Elizabeth A. Grist  
c/o T.E. Brangs, Inc.  
P.O. Box 43127  
Baltimore, MD 21236

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

DATE : 08-23-11 (KifLe) AU 1622  
TO SPE OF : ART UNIT 1624  
SUBJECT : Request for Certificate of Correction for Appl. No.: 12/231661 Patent No.: 7935694  
CofC mailroom date: 09-16-11

Please respond to this request for a certificate of correction within 7 days.

**FOR IFW FILES:**

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

**FOR PAPER FILES:**

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)  
Randolph Square - 9D10-A  
Palm Location 7580



Note: \_\_\_\_\_  
\_\_\_\_\_

Angela Green 571.272.9005  
CofC Branch 703-756-1814

**Thank You For Your Assistance**

**The request for issuing the above-identified correction(s) is hereby:**

Note your decision on the appropriate box.

**Approved**

All changes apply.

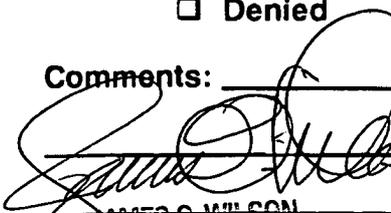
**Approved in Part**

Specify below which changes **do not** apply.

**Denied**

State the reasons for denial below.

Comments: \_\_\_\_\_



JAMES O. WILSON  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1600

1624

SPE

Art Unit



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**DAYTON J. DEETZ**  
**73 WASHINGTON STREET**  
**MENDON MA 01756**

**MAILED**  
**MAY 18 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Dayton Joseph Deetz :  
Application No. 12/231,766 : **DECISION ON PETITION**  
Filed: September 5, 2008 : **UNDER 37 CFR 1.137(b)**  
Title: Magnetic Graphic Wall System :

This is a decision on the petition, filed March 22, 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 3, 2009. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

- (1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
- (2) the petition fee as set forth in 37 CFR 1.17(m); and
- (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request was mailed on March 31, 2011 (copy enclosed).

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to Technology Center Art Unit 1785 for examination in due course.

/Joan Olszewski/  
Joan Olszewski  
Petitions Examiner  
Office of Petitions

Enclosure: Notice Regarding Rescission of Nonpublication Request



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/231,766	09/05/2008	Dayton Joseph Deetz	

Dayton J. Deetz  
73 Washington Street  
Mendon, MA 01756

**CONFIRMATION NO. 4454**  
**NONPUBLICATION RESCISSION**  
**LETTER**



Date Mailed: 03/31/2011

**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 07/07/2011.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"<sup>1</sup> 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.

<sup>1</sup> 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".

/ttran/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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NELSON MULLINS RILEY & SCARBOROUGH LLP  
FLOOR 30 SUITE 3000  
ONE POST OFFICE SQUARE  
BOSTON MA 02109

**MAILED**

APR 05 2012

**OFFICE OF PETITIONS**

In re Application :  
Salzman, et al. :  
Application No. 12/231,777 : DECISION ON APPLICATION  
Filed: September 5, 2008 : FOR PATENT TERM ADJUSTMENT  
Docket No. ITJ-001 :

This is a decision on the petition under 37 CFR 1.705(b), filed March 12, 2012. Applicants request that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be corrected.

The application for patent term adjustment is **GRANTED**.

On December 12, 2011, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date was three hundred eighty-four (384) days.

The Office initially determined a patent term adjustment of three hundred eighty-four (384) days based on an adjustment for PTO delay of 384 days pursuant to 37 CFR 1.703(a)(1), reduced by zero (0) days of applicant delay.

Applicants point out that they should have been assessed additional days of delay under 37 CFR 1.704(b). The Office mailed a Notice to File Missing Parts on December 22, 2008. Applicants did not file a reply until March 30, 2009.

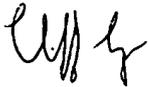
Accordingly, as this was not filed within three months, pursuant to 37 CFR 1.704(b), eight (8) days of applicant delay should have been assessed.

In view thereof, the correct determination of patent term adjustment at the time of the mailing of the Notice of Allowance is **three hundred seventy-six (376) days** (384 days of PTO delay, reduced by 8 days of applicant delay).

Receipt of the \$200 fee for filing the instant application for patent term adjustment is acknowledged.

The application is being forwarded to the Office of Data Management for processing into a patent.

Telephone inquiries specific to this matter should be directed to the undersigned at (571)272-3207.



Cliff Congo  
Petitions Attorney  
Office of Petitions

Enc: copy of PAIR screen



# Patent Term Adjustments



PTA/PTE Information    Patent Term Adjustment    Patent Term Extension

Application Number\*:   [Explanation of PTA Calculation](#)    [Explanation of PTE Calculation](#)

## PTA Calculations for Application: 12231777

Application Filing Date	09/05/2008	Overlapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays	384
A Delays	384	PTO Manual Adjustment	8
B Delays	0	Applicant Delay (APPL)	0
C Delays	0	Total PTA (days)	376

\* - Sorted Column

## File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
97	03/31/2012		P028	Adjustment of PTA Calculation by PTO		8	0
88	12/12/2011		MN/=	Mail Notice of Allowance			0
87	12/08/2011		OAR	Office Action Review			0
86	12/08/2011		OAR	Office Action Review			0
85	12/08/2011		OAR	Office Action Review			0
84	12/08/2011		IREV	Issue Revision Completed			0
83	12/08/2011		DVER	Document Verification			0
82	12/08/2011		N/=	Notice of Allowance Data Verification Completed			0
81	12/08/2011		DOCK	Case Docketed to Examiner in GAU			0
80	12/05/2011		EX.A	Examiner's Amendment Communication			0
78	12/05/2011		CNTA	Allowability Notice			0
79	11/29/2011		EXIE	Interview Summary - Examiner Initiated			0
74	11/23/2011		FWDX	Date Forwarded to Examiner			0
73	11/22/2011		A.NE	Amendment after Final Rejection			0
72	11/09/2011		MCTAV	Mail Advisory Action (PTOL - 303)			0
71	11/07/2011		OAR	Office Action Review			0
70	11/07/2011		CTAV	Advisory Action (PTOL-303)			0
66	10/28/2011		FWDX	Date Forwarded to Examiner			0
75	10/27/2011		IDSC	Information Disclosure Statement considered			0
69	10/27/2011		WIDS	Information Disclosure Statement (IDS) Filed			0
68	10/27/2011		RCAP	Reference capture on IDS			0
67	10/27/2011		M844	Information Disclosure Statement (IDS) Filed			0
65	10/27/2011		A.NE	Amendment after Final Rejection			0
64	08/31/2011		MCTFR	Mail Final Rejection (PTOL - 326)			0
63	08/29/2011		OAR	Office Action Review			0
62	08/26/2011		CTFR	Final Rejection			0
58	06/27/2011		FWDX	Date Forwarded to Examiner			0
61	06/14/2011		IDSC	Information Disclosure Statement considered			0
59	06/14/2011	06/14/2011	M844	Information Disclosure Statement (IDS) Filed			57
57	06/14/2011		A...	Re:ponse after Non-Final Action			0
56	06/14/2011		WIDS	Information Disclosure Statement (IDS) Filed			0
55	03/17/2011		MCTNF	Mail Non-Final Rejection			0
54	03/14/2011		CTNF	Non-Final Rejection			0
45	01/02/2011		FWDX	Date Forwarded to Examiner			0
44	12/21/2010		ELC	Response to Election / Restriction Filed			0
43	11/24/2010	11/05/2009	MCTRS	Mail Restriction Requirement	384		0.5
42	11/22/2010		CTRS	Restriction/Election Requirement			0
41	03/10/2010		M844	Information Disclosure Statement (IDS) Filed			0
40	12/01/2009		DOCK	Case Docketed to Examiner in GAU			0
30	07/30/2009		PG-ISSUE	PG-Pub Issue Notification			0
51	05/14/2009		IDSC	Information Disclosure Statement considered			0
29	05/14/2009		M844	Information Disclosure Statement (IDS) Filed			0
28	05/14/2009		WIDS	Information Disclosure Statement (IDS) Filed			0
27	04/22/2009		OIPE	Application Dispatched from OIPE			0
26	04/17/2009		PGPC	Sent to Classification Contractor			0
25	04/17/2009		FLRCPT.U	Filing Receipt - Updated			0
50	04/14/2009		IDSC	Information Disclosure Statement considered			0
39	04/14/2009		M844	Information Disclosure Statement (IDS) Filed			0
24	04/14/2009		WIDS	Information Disclosure Statement (IDS) Filed			0
23	03/30/2009		ADDFL FEE	Additional Application Filing Fees			0
22	03/30/2009		OATHDECL	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applicant			0
49	03/09/2009		IDSC	Information Disclosure Statement considered			0
38	03/09/2009		RCAP	Reference capture on IDS			0
37	03/09/2009		M844	Information Disclosure Statement (IDS) Filed			0
21	03/09/2009		WIDS	Information Disclosure Statement (IDS) Filed			0

20	02/11/2009	ML196	Agency Referral Letter Mailed	0
19	02/11/2009	ML196	Agency Referral Letter Mailed	0
18	02/11/2009	ML196	Agency Referral Letter Mailed	0
17	01/31/2009	L130	Receipt of all Acknowledgement Letters	0
16	01/31/2009	L197	Receipt of Acknowledgment Letter	0
15	01/31/2009	L197	Receipt of Acknowledgment Letter	0
14	01/31/2009	L197	Receipt of Acknowledgment Letter	0
48	01/27/2009	IDSC	Information Disclosure Statement considered	0
36	01/27/2009	RCAP	Reference capture on IDS	0
35	01/27/2009	M844	Information Disclosure Statement (IDS) Filed	0
13	01/27/2009	WIDS	Information Disclosure Statement (IDS) Filed	0
12	12/22/2008	FLRCPT.O	Filing Receipt	0
11	12/22/2008	INCD	Notice Mailed--Application Incomplete--Filing Date Assigned	0
10	12/04/2008	CRFE	CRF Is Good Technically / Entered into Database	0
47	11/21/2008	IDSC	Information Disclosure Statement considered	0
34	11/21/2008	RCAP	Reference capture on IDS	0
33	11/21/2008	M844	Information Disclosure Statement (IDS) Filed	0
9	11/21/2008	WIDS	Information Disclosure Statement (IDS) Filed	0
46	10/14/2008	IDSC	Information Disclosure Statement considered	0
32	10/14/2008	RCAP	Reference capture on IDS	0
31	10/14/2008	M844	Information Disclosure Statement (IDS) Filed	0
8	10/14/2008	WIDS	Information Disclosure Statement (IDS) Filed	0
7	09/14/2008	L196	Referred by L&R for Third-Level Security Review. Agency Referral Letter Generated	0
6	09/14/2008	L196	Referred by L&R for Third-Level Security Review. Agency Referral Letter Generated	0
5	09/14/2008	L196	Referred by L&R for Third-Level Security Review. Agency Referral Letter Generated	0
4	09/13/2008	L198	Referred to Level 2 (LARS) by OIPE CSR	0
3	09/12/2008	SCAN	IFW Scan & PACR Auto Security Review	0
1	09/08/2008	IEXX	Initial Exam Team nn	0
2	09/05/2008	CRFL	CRF Disk Has Been Received by Preexam / Group / PCT	0
0.5	09/05/2008	EFILE	Filing date	0

Export to: [Excel](#)

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

Paper No.: \_\_\_\_\_

DATE : 01/27/11

TO SPE OF : ART UNIT 2855

SUBJECT : Request for Certificate of Correction for Appl. No.: 12231794 Patent No.: 7644634

CofC mailroom date: 01/10/11

Please respond to this request for a certificate of correction within 7 days.

**FOR IFW FILES:**

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

**FOR PAPER FILES:**

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)  
Randolph Square – 9D10-A  
Palm Location 7580**

**You can fax the Directors/SPE response to 571-270-9990**

\_\_\_\_\_  
Certificates of Correction Branch  
703-756-1814 \_\_\_\_\_

**Thank You For Your Assistance**

**The request for issuing the above-identified correction(s) is hereby:**

Note your decision on the appropriate box.

- Approved**
- Approved in Part**
- Denied**

- All changes apply.
- Specify below which changes **do not** apply.
- State the reasons for denial below.

**Comments:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*SPE [Signature] M [Signature] AM 2855*

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

**SPE**

**Art Unit**



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**DILWORTH & BARRESE, LLP**  
**1000 WOODBURY ROAD**  
**SUITE 405**  
**WOODBURY NY 11797**

**MAILED**

**JUN 29 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
Binyomin A. Cohen	:	DECISION ON PETITION
Application No. 12/231,799	:	TO WITHDRAW
Filed: September 5, 2008	:	FROM RECORD
Attorney Docket No. 1473-7	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 17, 2011.

The request is **NOT APPROVED**.

The Request for Withdrawal as Attorney or Agent and Change of Correspondence Address submitted on June 17, 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.

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 January 31, 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



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: Binyomin A. Cohen  
225 Park Place, Apt 5  
Brooklyn, NY 11238



BINYOMIN A. COHEN  
225 PARK PLACE, APT 5  
BROOKLYN NY 11238

**MAILED**

SEP 06 2011

OFFICE OF PETITIONS

In re Application of :  
Binyomin A. Cohen :  
Application No. 12/231,799 :  
Filed: September 5, 2008 :  
Title of Invention: **APPARATUS FOR**  
**PRODUCING OXYGEN AND/OR HYDROGEN**  
**IN AN ENVIRONMENT DEVOID OF**  
**BREATHABLE OXYGEN**

ON PETITION

This is a decision on the correspondence filed August 22, 2011 which is being treated under 37 CFR 1.181 as a petition to withdraw the holding of abandonment,

The petition under 37 CFR 1.181 is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181," or, as explained in more detail below, "...under 37 CFR 1.137(a)" or (b). This is not a final agency decision.

A non-final action was mailed January 3, 2011, to which a response was due April 3, 2011 or at the latest with a three month extension of time up through July 3, 2011. A one month extension of time was filed April 21, 2011 which extended the response time to May 3, 2011. However, no response was timely filed and thus, the application became abandoned.

At the outset, please understand that abandoned applications can be reinstated with a petition to withdraw the holding of abandonment under 37 CFR 1.181 or revived with a petition to revive under either the unavoidable standard, 37 CFR 1.137(a) or the unintentional standard of review under 37 CFR 1.137(b).

While there are no fees associated with a petition under 37 CFR 1.181 the petitioner must show, that they are without fault in failing to file a response to the outstanding office action. In the instant matter, no fees have been filed with the petition.

Petitioner notes as the reason the response was not timely filed and the abandonment of the application was "Due to a severe condition that required immediate surgery, post biopsies taken, on my prostate. Said surgery was performed on July 21st 2011, with biopsies several weeks prior. In addition as I am disabled it complicates said responses that much the more".

Unfortunately, as petitioner cites his health and financial situation as the reasons for the abandonment of the application, neither is a proper basis for withdrawing the holding of abandonment.

In view thereof, the holding of abandonment will not be withdrawn.

It is understood that petitioner is a pro se applicant, but petitioner is still responsible for the proper prosecution of his application. The format and wording of the papers filed are that of an inexperienced petitioner. In further petitioning, there are numerous resources available to petitioner, as to the others who have chosen this path of prosecution, to obtain the necessary information to properly prosecute the application before the Office. The services of a registered attorney or agent to help the petitioner understand the requirements for responding to the office action as well as the petitioning process are recommended, although not required.

#### ALTERNATIVE VENUES

Petitioner may wish to consider filing a renewed petition under 37 CFR 1.137(a)<sup>1</sup> or 37 CFR 1.137(b),<sup>2</sup> which now provides that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b).

---

<sup>1</sup>A grantable petition under 37 CFR 1.137(a) must be accompanied by:

(1) the required reply, unless previously filed; In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(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(c).

<sup>2</sup>Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

The filing of a petition under the unintentional standard cannot be intentionally delayed and therefore should be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By mail:        Mail Stop Petition  
                  Commissioner for Patents  
                  P.O. Box 1450  
                  Alexandria, VA 22313-1450

By FAX:        (571) 273-8300

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.



Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions



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**DILWORTH & BARRESE, LLP**  
**1000 WOODBURY ROAD**  
**SUITE 405**  
**WOODBURY, NY 11797**

**MAILED**  
**JUL 18 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Cohen et al. : **DECISION ON PETITION**  
Application No. 12/231,811 : **TO WITHDRAW**  
Filed: September 5, 2008 : **FROM RECORD**  
Attorney Docket No. 1473-6 :

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 17, 2011.

The request is **NOT APPROVED**.

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).

Further, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

*An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

The current request cannot be approved at this time as it does not set forth all of the above certifications. Petitioner should note that the change of correspondence address can only be changed to either the assignee of record along with a Statement Under 3.73(b) or the first named inventor. The address will remain unchanged since more than one correspondence address was submitted. Accordingly, any subsequent request to withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), must include all of the above listed certifications pursuant to 37 CFR 10.40 and a proper change of correspondence address.

There is an outstanding Office action mailed June 2, 2011, that requires a reply from the applicant.

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) 272-6059.

  
Alicia Kelley-Collier  
Petitions Examiner  
Office of Petitions

<b>Doc Code: PET.AUTO</b>		PTO/SB/83
<b>Document Description: Petition automatically granted by EFS-Web</b>		U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12231811	
Filing Date	05-Sep-2008	
First Named Inventor	Binyomin Cohen	
Art Unit	1773	
Examiner Name	MONZER CHORBAJI	
Attorney Docket Number	1473-6	
Title	Apparatus for producing oxygen and/or hydrogen gas	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		28249 <hr style="width: 100px; margin-left: auto; margin-right: 0;"/>
The reason(s) for this request are those described in 37 CFR: 10.40(c)(5)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Binyomin A. Cohen	
Address	225 Park Place, Apt. 5	
City	Brooklyn	
State	NY	
Postal Code	11238	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/Leo G. Lenna/
Name	Leo G. Lenna
Registration Number	42796



## UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : July 25,2011

In re Application of :

Binyomin Cohen

Application No : 12231811

Filed : 05-Sep-2008

Attorney Docket No : 1473-6

DECISION ON REQUEST TO WITHDRAW AS  
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed July 25,2011

The request is **APPROVED**.

The request was signed by Leo G. Lenna (registration no. 42796 ) on behalf of all attorneys/agents associated with Customer Number 28249 . All attorneys/agents associated with Customer Number 28249 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 Binyomin A. Cohen  
Name2  
Address 1 225 Park Place, Apt. 5  
Address 2  
City Brooklyn  
State NY  
Postal Code 11238  
Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

X

Paper No.: \_\_\_\_\_

DATE : May 24, 2011

TO SPE OF : ART UNIT 2464

SUBJECT : Request for Certificate of Correction for Appl. No. 12/231866 patent No.: RE42080 E

C of C mailroom date: --5-17-11

Please respond to this request for a certificate of correction within 7 days.

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**.

**Magdalene Talley**

Certificates of Correction Branch  
571-272- 0423

**Thank You For Your Assistance**

**The request for issuing the above-identified correction(s) is hereby:**

Note your decision on the appropriate box.

- |  |  |
|--|--|
| <input type="checkbox"/> <b>Approved</b>         | All changes apply.                               |
| <input type="checkbox"/> <b>Approved in Part</b> | Specify below which changes <b>do not</b> apply. |
| <input type="checkbox"/> <b>Denied</b>           | State the reasons for denial below.              |

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

/Robert Beausoliel/

**SPE**

**Art Unit**



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Dennis LeBlang  
1 Milano Circle  
Palm Desert CA 92211

**MAILED**  
**APR 16 2012**  
**OFFICE OF PETITIONS**

In re Application of :  
LeBlang :  
Application No. 12/231,875 : **DECISION ON PETITION**  
Filed: September 8, 2008 :  
Attorney Docket No. :

This is a decision on the petition under 37 CFR 1.314, filed February 29, 2012, to defer issuance of the patent.

The petition is **GRANTED**.

Issuance will be deferred for a period of one month from the date of this decision. At the end of this period, the application will be referred to Publishing Division to be processed into a patent.

If an additional deferral period is required, another petition and fee should be promptly submitted. The petition must include a showing of extraordinary circumstances. See MPEP 1306.01.

Further correspondence with respect to this matter should be addressed as follows:

**By mail:** Mail Stop PETITION  
Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

**By hand:** Customer Service Window  
Mail Stop Petitions  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

**By Fax:** (571) 273-8300  
ATTN: Office of Petitions

In re Application No. 12/231,875

Telephone inquiries should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya McLaughlin  
Petitions Attorney  
Office of Petitions



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CHARLES J RUPNICK  
PO BOX 46752  
SEATTLE, WA 98146

MAILED

MAY 3 1 2011

OFFICE OF PETITIONS

In re Application of :  
Wesley Grelund, et al. :  
Application No. 12/231,901 :  
Filed: September 5, 2008 :  
Attorney Docket No. SEP-001 CIP :  
: DECISION ON PETITION  
: TO WITHDRAW  
: FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed April 2, 2011.

The request is **NOT APPROVED**.

The Office will no longer approve requests from practitioners to withdraw from application where the requesting practitioners is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34. In these situations, the practitioner is responsible for the correspondence the practitioner files in the application while acting in a representative capacity. As such, there is no need for the practitioner to obtain the Office's permission to withdraw from representation. However, practitioners acting in a representative capacity, like practitioners who have power of attorney in the application, remain responsible for noncompliance with 37 CFR 1.56, as well as 37 CFR 10.18, with respect to the documents they file.

A review of the file record indicates that Charles J. Rupnick does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the above-listed address until otherwise properly notified by the applicant.

There is an outstanding Office action mailed February 2, 2010 which requires a reply by applicant.

Telephone inquires concerning this decision should be directed to undersigned at 571-272-1642.

Application No. 12/231,901

Page 2

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: CHARLES LOOMIS  
PO BOX 23  
PUYALLUP, WA 98371



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www.uspto.gov

**MAILED**  
JUL 21 2011  
**OFFICE OF PETITIONS**

**GARY L. EASTMAN  
GARY L. EASTMAN, APLC  
401 W. "A" STREET, SUITE 1785  
SAN DIEGO CA 92101**

In re Application of :  
Bill PAUL :  
Application No. 12/231,903 : **DECISION ON PETITION**  
Filed: September 5, 2008 :  
Attorney Docket No. 1507-PA01 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 25, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed October 21, 2008. The Notice set a period for reply of **two (2) months** from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 22, 2008. A Notice of Abandonment was mailed June 25, 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 substitute specification, (2) the petition fee of \$810; and (3) the required statement of unintentional delay.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted.

Telephone inquiries concerning this decision should be directed to the undersigned at (571)272-6735.

All other inquiries should be directed to the Office of Data Management at (571) 272-4000.

This application is being referred to the Office of Data Management for further pre-examination processing.

/Diane C. Goodwyn/  
Diane C. Goodwyn  
Petitions Examiner  
Office of Petitions



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United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
12/231,910 09/05/2008 Hiroshi Suzuki 068949-5056-US 5723

7590 12/02/2010
MORGAN, LEWIS & BOCKIUS LLP (SF)
One Market, Spear Street Tower, Suite 2800
San Francisco, CA 94105

EXAMINER

ALAVI, ALI

ART UNIT PAPER NUMBER

2875

MAIL DATE DELIVERY MODE

12/02/2010

PAPER

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

U i f s r v f t u p q s j o u b d p r p s e s b x j o h s f g s o d f b t u f g s t u q b s b h s b q i j o u f q p s j p o p g u f t q f d j g d b j p o d p o u b j o j o h b
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December 2, 2010

MORGAN, LEWIS & BOCKIUS LLP (SF)  
One Market, Spear Street Tower, Suite 2800  
San Francisco CA 94105

In re Application of :  
Hiroshi Suzuki : **DECISION ON PETITION**  
Application No. 12231910 :  
Filed: 9/5/2008 : **ACCEPTANCE OF COLOR**  
Attorney Docket No. 068949-5056-US : **DRAWINGS**

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) September 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 inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Don Fairchild/  
Office of Data Management  
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/231,910	09/05/2008	Hiroshi Suzuki	068949-5056-US	5723
7590 12/02/2010 MORGAN, LEWIS & BOCKIUS LLP (SF) One Market, Spear Street Tower, Suite 2800 San Francisco, CA 94105			EXAMINER	
			ALAVI, ALI	
		ART UNIT	PAPER NUMBER	
		2875		
		MAIL DATE	DELIVERY MODE	
		12/02/2010	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

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P.O. Box 1450  
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www.uspto.gov

December 2, 2010

MORGAN, LEWIS & BOCKIUS LLP (SF)  
One Market, Spear Street Tower, Suite 2800  
San Francisco CA 94105

In re Application of :  
Hiroshi Suzuki : **DECISION ON PETITION**  
Application No. 12231910 :  
Filed: 9/5/2008 : **ACCEPTANCE OF COLOR**  
Attorney Docket No. 068949-5056-US : **DRAWINGS**

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) September 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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JAMES RAY & ASSOCIATES  
INTELLECTUAL PROPERTY, LLC  
2640 PITCAIRN ROAD  
MONROEVILLE PA 15146

**MAILED**

**MAY 16 2011**

**OFFICE OF PETITIONS**

In re Application of :  
BJELLAND :  
Application No. 12/231,925 : **ON PETITION**  
Filed: September 8, 2008 :  
Attorney Docket No. LKB 08221 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 28, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of August 10, 2010. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(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 November 11, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$405, and the submission required by 37 CFR 1.114; (2) the petition fee of \$810; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to Technology Center 3644 for further processing in the normal course of business.

/Diane C. Goodwyn/  
Diane C. Goodwyn  
Petitions Examiner  
Office of Petitions



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**DENTSPLY INTERNATIONAL INC  
570 WEST COLLEGE AVENUE  
YORK PA 17404**

**MAILED**

**DEC 01 2010**

**OFFICE OF PETITIONS**

In re Application of :  
Junjie SANG et al. :  
Application No. 12/231,928 : **DECISION ON PETITION**  
Filed: September 08, 2008 :  
Attorney Docket No. LDC-859-CIP-CON3 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 08, 2010, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed March 23, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on June 24, 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 (1).

Petitioner has not provided the application serial number and filing date of the continuing application.

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) 272-4231.



Michelle R. Eason  
Paralegal Specialist  
Office of Petitions



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Alexandria, VA 22313-1450  
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FRIJOUF, RUST & PYLE, P.A.  
201 EAST DAVIS BOULEVARD  
TAMPA, FL 33606

**MAILED**

FEB 09 2012

**OFFICE OF PETITIONS**

In re Application of  
James E. Riccio, et al.  
Application No. 12/231,955  
Filed: September 8, 2008  
Attorney Docket No.: 2008-0237

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ON PETITION

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed January 3, 2012.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue fee on or before December 2, 2011, as required by the Notice of Allowance and Fee(s) Due mailed September 2, 2011. A Notice of Abandonment was mailed on December 16, 2011. On January 3, 2012, the present petition was filed.

It is noted that fees totaling \$3,370 were submitted for a petition fee of \$1,860 and payment of an issue fee of \$1,510; however, the issue fee was increased from \$1,510 to \$1,740 for a large entity, effective September 26, 2011. Since the issue fee is being paid after September 26, 2011, applicant must pay the revised amount. Accordingly, the \$230 balance due for the requisite issue fee is being charged to counsel's deposit account as authorized.

The petition is found to satisfy 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



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MISSION/BSTZ  
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP  
1279 OAKMEAD PARKWAY  
SUNNYVALE, CA 94085-4040

**MAILED**

**MAR 06 2012**

**OFFICE OF PETITIONS**

In re Application of William W. Macy Jr. :  
Application No. 12/231,966 : Decision on Petition  
Filing Date: September 8, 2008 :  
Attorney Docket No. 042390.P15760D :

This is a decision on the petition filed January 24, 2012, which is being treated as a petition under 37 CFR 1.181 requesting the Office withdraw the holding of abandonment.

The petition is **granted**.

The Office mailed a non-final Office action on April 28, 2011, which set a three -month shortened statutory period for reply.

A reply to the April 28, 2011, was not matched with the file. As a result, the Office mailed a Notice of Abandonment on December 1, 2011.

Petitioner contends a reply to the Office action was filed July 28, 2011.

Petitioner has supplied evidence sufficient to establish a reply was timely filed July 28, 2011, and has supplied a copy of the reply. Therefore, the petition is granted and the Notice of Abandonment is hereby withdrawn.

Technology Center Art Unit 2193 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



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MALLOY & MALLOY, PA  
2800 S. W. THIRD AVENUE  
HISTORIC CORAL WAY  
MIAMI, FL 33129

**MAILED**  
**AUG 04 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Jose M. Sans Folch :  
Application No. 12/231,997 : **DECISION ON PETITION**  
Filed: September 8, 2008 :  
Attorney Docket No. 1.684.08 :

This is a decision on the petition, filed June 30, 2011, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Office action of December 9, 2010, which set a three (3) month shortened statutory period for reply. Accordingly, a reply was due on or before March 9, 2010.

Petitioner states that a timely reply was mailed via certificate of mailing on June 9, 2011, which included the following papers: a request for a three (3) month extension of time, an information disclosure statement (IDS), an amendment and a return post card receipt with a date stamp from the Office of Patent Application Processing for June 13, 2011. Petitioner has submitted a copy of the previously mailed correspondence, which bears a certificate of mailing dated June 9, 2011, which would have rendered the reply timely if received. The Original reply is in the file

The petition satisfies the requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment for failure to timely file a reply to the Office action of December 9, 2010 is hereby **withdrawn** and the application **restored to pending status**.

Telephone inquiries concerning this decision should be directed to April M. Wise at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to the Technology Center for the processing of the reply received July 12, 2011 to the Notice of Non-Compliant Amendment mailed June 29, 2011.

/Carl Friedman/  
Carl Friedman  
Petitions Examiner  
Office of Petitions



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United States Patent and Trademark Office  
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BACON & THOMAS, PLLC  
625 SLATERS LANE  
FOURTH FLOOR  
ALEXANDRIA, VA 22314-1176

Mail Date: 08/04/2010

**Applicant** : Jian-Min Jeng : DECISION ON REQUEST FOR  
**Patent Number** : 7641884 : RECALCULATION of PATENT  
**Issue Date** : 01/05/2010 : TERM ADJUSTMENT IN VIEW  
**Application No** : 12/232,034 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 09/10/2008 : ISSUE CERTIFICATE OF CORRECTION  
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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**SHLESINGER, ARKWRIGHT & GARVEY LLP**  
5845 Richmond Highway, Suite 415  
ALEXANDRIA VA 22303

**MAILED**

SEP 30 2010

In re Application of  
Bertil R.L. Wefefelt, et al.  
Application No. 12/232,058  
Filed: September 10, 2008  
Attorney Docket No. 7648

**OFFICE OF PETITIONS**

**DECISION ON PETITION  
UNDER 37 CFR 1.137(b)**

This is a decision on the petition, filed August 9, 2010, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on December 22, 2008. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

- (1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
- (2) the petition fee as set forth in 37 CFR 1.17(m); and
- (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of January 6, 2011 accompanies this decision on petition.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center Art Unit 2621 for examination in due course.

/Terri Johnson/  
Terri Johnson  
Petitions Examiner  
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request



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Table with 4 columns: APPLICATION NUMBER (12/232,058), FILING OR 371(C) DATE (09/10/2008), FIRST NAMED APPLICANT (Bertil R.L. Werjefelt), ATTY. DOCKET NO./TITLE (7648)

CONFIRMATION NO. 6228

39196
SHLESINGER, ARKWRIGHT & GARVEY LLP
5845 Richmond Highway, Suite 415
ALEXANDRIA, VA 22303

NONPUBLICATION RESCISSION LETTER



Date Mailed: 09/27/2010

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 01/06/2011.

If applicant rescinded the nonpublication request before or on the date of "foreign filing," then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282.

1 Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

/tsjohnson/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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Paper No.

**MAILED**

**OCT 03 2011**

**OFFICE OF PETITIONS**

KOLISCH HARTWELL, P.C.  
200 PACIFIC BUILDING  
520 SW YAMHILL STREET  
PORTLAND OR 97204

In re Application of :  
Earle :  
Application No. 12/232,122 :  
Patent No.: 7,909,347 : DECISION ON PETITION  
Filed: September 11, 2008 : PURSUANT TO  
Issued: March 22, 2011 : 37 C.F.R. § 1.28(c)  
Attorney Docket No.: ATD 301 :  
Title: BICYCLE SUSPENSION :  
SYSTEM EMPLOYING HIGHLY :  
PREDICTABLE PEDALLING :  
CHARACTERISTICS :

This is a notice regarding your request for acceptance of a fee deficiency submission pursuant to 37 C.F.R. § 1.28, received on September 12, 2011. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 C.F.R. § 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 C.F.R. § 1.56. 1098 Off. Gaz. Pat. Office 502 (January 3, 1989). Therefore, nothing in this notice is intended to imply that an investigation was done.

Petitioner has identified the particular type of fees that were erroneously paid as a small entity, when the small entity fees were actually paid, the small entity fees that were actually paid, the deficiency owed amounts, and the total deficiency payment owed.

The deficiency payment in the amount of \$1575.00 has been received.

Your fee deficiency submission pursuant to 37 C.F.R. § 1.28(c) is hereby accepted. The petition is **GRANTED** accordingly.

This 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.<sup>1</sup>

/Paul Shanoski/  
Paul Shanoski  
Senior Attorney  
Office of Petitions

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<sup>1</sup> 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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WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP  
1250 CONNECTICUT AVENUE, NW  
SUITE 700  
WASHINGTON DC 20036

MAILED

MAY 26 2011

OFFICE OF PETITIONS

In re Application of :  
Taku Ichiryu :  
Application No. 12/232,181 : DECISION GRANTING PETITION  
Filed: September 11, 2008 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. 082188 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed May 25, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

*Petitioner is advised that the issue fee paid on April 20, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>*

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2856 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/  
Karen Creasy  
Petitions Examiner  
Office of Petitions

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<sup>1</sup> *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/232,383	09/16/2008	Amram Mor	44595	7725
67801	7590	06/10/2011	EXAMINER	
MARTIN D. MOYNIHAN d/b/a PRTSI, INC. P.O. BOX 16446 ARLINGTON, VA 22215			RUSSEL, JEFFREY E	
			ART UNIT	PAPER NUMBER
			1654	
			MAIL DATE	DELIVERY MODE
			06/10/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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Commissioner for Patents  
United States Patent and Trademark Office  
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Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

In re Application of: Amram Mor, Neshet et al :  
Serial Number: 12/232,383 :  
Filed: September 16, 2008 :  
Attorney Docket: JHV-056.01 : DECISION ON PETITION  
For: Novel Antimicrobial Agebts

This is in response to applicant's petition to accept color drawings/photographs filed on March 29, 2011.

All requirements under 37 CFR 1.84(a)(2) are met. Accordingly, petition is Granted.

Petition GRANTED.

  
/Cecilia J. Tsang/  
Supervisory Patent Examiner, Art nit 1654





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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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12/232,383	09/16/2008	Amram Mor	44595	7725
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67801 7590 06/10/2011  
MARTIN D. MOYNIHAN d/b/a PRTSI, INC.  
P.O. BOX 16446  
ARLINGTON, VA 22215

EXAMINER
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RUSSEL, JEFFREY E

ART UNIT	PAPER NUMBER
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1654

MAIL DATE	DELIVERY MODE
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06/10/2011 PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

In re Application of: Amram Mor, Nesher et al :  
Serial Number: 12/232,383 :  
Filed: September 16, 2008 :  
Attorney Docket: JHV-056.01 : DECISION ON PETITION  
For: Novel Antimicrobial Agebts

This is in response to applicant's petition to accept color drawings/photographs filed on March 29, 2011.

All requirements under 37 CFR 1.84(a)(2) are met. Accordingly, petition is Granted.

Petition GRANTED.

*Cecilia J. Tsang*  
/Cecilia J. Tsang/  
Supervisory Patent Examiner, Art nit 1654



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Alexandria, Virginia 22313-1450  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/232,414	09/17/2008	Hidefumi Okabe	OKAB3004/ GAL	8798
23364	7590	12/23/2010	EXAMINER	
BACON & THOMAS, PLLC 625 SLATERS LANE FOURTH FLOOR ALEXANDRIA, VA 22314-1176			BANKS HAROLD, MARSHA DENISE	
			ART UNIT	PAPER NUMBER
			2482	
			MAIL DATE	DELIVERY MODE
			12/23/2010	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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United States Patent and Trademark Office  
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**DEC 23 2010**  
DIRECTOR OFFICE  
TECHNOLOGY CENTER 2400

BACON & THOMAS, PLLC  
625 SLATERS LANE  
FOURTH FLOOR  
ALEXANDRIA, VA 22314-1176

In re Application of	:	
OKABE, HIDEFUMI et al.	:	DECISION ON REQUEST TO
Application No. 12/232,414	:	PARTICIPATE IN PATENT
Filed: September 17, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. <b>OKAB3004/ GAL</b>	:	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 October 22, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; 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 Mehrdad Dastouri at 571-272-7418.

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.

/Mehrdad Dastouri/

---

Mehrdad Dastouri  
Quality Assurance Specialist  
Technology Center 2400



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**MCKENNA LONG & ALDRIDGE LLP**  
**1900 K STREET, NW**  
**WASHINGTON DC 20006**

**MAILED**  
**SEP 02 2010**  
**OFFICE OF PETITIONS**

In re Application of :  
No-Ma KIm et al. :  
Application No. 12/232,459 : **DECISION ON PETITION**  
Filed: September 17, 2008 :  
Attorney Docket No. 29137.121.20 :

This is a decision on the petition under 37 CFR 1.59(b), filed March 16, 2010, to expunge information from the above identified application.

The petition is **granted**.

Petitioner requests that the Issue Fee Transmittal Form (Form) filed March 15, 2010, be expunged from the record. Petitioner states that the Form was intended for another application and does not belong to this application. The petition fee set forth in 37 CFR 1.17(g) has been paid.

The information in question has been determined by the undersigned to not be material to the examination of the instant application. The Form was clearly meant for another, unrelated application.

The expunged material has been removed from the official file.

The application is forwarded to the Office of Data Management.

Telephone inquiries concerning this communication should be directed to Carl Friedman at (571) 272-6842.

Carl Friedman  
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: SUCH3006CIP/REF	Patent Number: 7659052
Filing Date (or 371(b) or (f) Date): 2008-09-18	Issue Date: 2010-02-09
First Named Inventor: Cheng Yao Su	
Title: MEDIUM COMPRISING CRYOPRECIPITATE AND METHOD FOR PRESERVING PLATELETS, RED BLOOD CELLS AND OTHER CELLS WITHOUT A NUCLEUS	

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.

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: 08/13/2010

**Applicant** : Cheng Yao Su : DECISION ON REQUEST FOR  
**Patent Number** : 7659052 : RECALCULATION of PATENT  
**Issue Date** : 02/09/2010 : TERM ADJUSTMENT IN VIEW  
**Application No** : 12/232,482 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 09/18/2008 : 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.



UNITED STATES PATENT AND TRADEMARK OFFICE

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STAAS & HALSEY LLP  
SUITE 700  
1201 NEW YORK AVENUE, N.W.  
WASHINGTON DC 20005

**MAILED**  
**JUN 16 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Takako Takanashi :  
Application No. 12/232,531 : DECISION GRANTING PETITION  
Filed: September 18, 2008 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. 122.1742 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 15, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

***Petitioner is advised that the issue fee paid on May 23, 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.<sup>1</sup>***

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2876 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

---

<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). **Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.**



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/232,548	09/18/2008	Ville Makinen	3187.009US1	9253

21186 7590 01/20/2011  
SCHWEGMAN, LUNDBERG & WOESSNER, P.A.  
P.O. BOX 2938  
MINNEAPOLIS, MN 55402

EXAMINER

PREVIL, DANIEL

ART UNIT	PAPER NUMBER
2612	

2612

NOTIFICATION DATE	DELIVERY MODE
01/20/2011	ELECTRONIC

01/20/2011

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspto@slwip.com  
request@slwip.com



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SCHWEGMAN, LUNDBERG & WOESSNER, P.A.  
P.O. BOX 2938  
MINNEAPOLIS MN 55402

In re Application of	:	
MAKINEN, VILLE et al	:	DECISION ON REQUEST TO
Application No. 12/232,548	:	PARTICIPATE IN PATENT
Filed: September 18, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 3187.009US1	:	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 pilot (PPH) program and the petition under 37 CFR 1.102(a), filed December 06, 2010, to make the above-identified application special.

The request and petition are **DENIED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the NBPR;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the NBPR 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 NBPR 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 NBPR 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 NBPR examiner in the NBPR 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 do not comply with the above requirements. Concerning item 4.) above: Examination of the instant U.S. Application has begun. An Office action was mailed on January 07, 2011, prior to the decision of the request.

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 in due course.

/Michael Horabik/

---

Michael Horabik  
Quality Assurance Specialist  
Technology Center 2600  
Communications



UNITED STATES PATENT AND TRADEMARK OFFICE

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February 8, 2012

Patent No. : 8,020,483 B2  
Appl. No. : 12/232,613  
Inventor(s) : Moshe Benyami, et al.  
Issued : September 20, 2011  
Title : **ARMOR MODULE**  
Docket No. : **29702U**

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule 1.323.

A petition under C.F.R. 1.182 is required to correct the alleged errors in spelling or order of inventor's names, since inventor's names are printed solely in accordance with the type-written names, and in the order of the type-written names on the Declaration, and since the error was the result of applicant's failure to comply with the requirement that the complete and correct names in correct order, be indicated on the Declaration or Oath, no correction is in order here under the provisions of Rule 1.322 or 1.323 ( required fee currently \$100), unless a petition is granted.

In view of the foregoing, your request, in this mater, is hereby denied.

However, a petition under 37 CFR 1.182 (required fee currently \$130) 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) 273-8300  
                                  ATTN: Office of Petitions

EFS-Web (Web-based Electronic Filing System) accessible through the Electronic Business Center

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct the order of inventors, , no additional fee is required.

**Antonio Johnson**

For Mary F. Diggs  
Decisions & Certificates  
of Correction Branch  
(571)272-0483

THE NATH LAW GROUP  
112 South West Street  
Alexandria VA 22314



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EDWARDS WILDMAN PALMER LLP  
PO BOX 55874  
BOSTON MA 02205

**MAILED**  
**MAR 30 2012**  
**OFFICE OF PETITIONS**

In re :  
Patent No. 8,041,101 : DECISION ON PETITION  
Issued: October 18, 2011 :  
Application No. 12/232,635 :  
Filed: September 22, 2008 :

This is a decision on the petition under 37 CFR 1.182, filed March 2, 2012, for a duplicate Letters Patent.

The petition under 37 CFR 1.182 is **GRANTED**.

The Publishing Division is directed to issue a duplicate Letters Patent.

Any questions concerning this decision may be directed to the undersigned at (571)272-3207. Any questions concerning issuance of the duplicate Letters Patent should be directed to Ollie Person at (703)756-1555.

A copy of this decision is being forwarded to the Publishing Division for issuance of a duplicate Letters patent.

Telephone inquiries concerning this decision may be directed to the undersigned at (571)272-3207.

Cliff Congo  
Petitions Attorney  
Office of Petitions

cc: Ollie Person, P/OPPD (FAX 571-270-9764)  
Kimberly Terrell, P/OPPD (FAX 571-270-9958)



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/232,640	09/22/2008	Yoshiyuki Oota	5262-076-US01	1299
79184	7590	10/01/2010	EXAMINER	
HANIFY & KING PROFESSIONAL CORPORATION 1055 Thomas Jefferson Street, NW Suite 400 WASHINGTON, DC 20007			ANDERSON, MATTHEW D	
			ART UNIT	PAPER NUMBER
			2618	
			MAIL DATE	DELIVERY MODE
			10/01/2010	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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HANIFY & KING PROFESSIONAL CORPORATION  
1055 Thomas Jefferson Street, NW  
Suite 400  
WASHINGTON DC 20007

Applicant: Oota  
Appl. No.: 12/232,640  
Filing Date: September 22, 2008  
Title: BASE STATION AND KNOWN SEQUENCE TRANSMITTING METHOD  
Attorney Docket No.: 5262-076-US01  
Pub. No.: US 2009/0197623 A1  
Pub. Date: August 6, 2009

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on September 28, 2010, 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](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.

A handwritten signature in black ink, appearing to read "Tammy J. Koontz". The signature is written in a cursive style with a large, circular flourish at the end.

Tammy J. Koontz  
Office of Data Management  
United States Patent & Trademark Office

Adjustment date: 10/01/2010 KKING1  
09/29/2010 INTEFSW 00002818 504545 12232640  
01 FC:1504 300.00 CR

**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): 12232703	Patent Number (if applicable):
First Named Inventor: NAGAFUCHI	Title of Invention: ELECTRIC POWER GENERATING FACILITY OPERATION REMOTE...

**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 /Chun-Pok Leung/	Date 2011-05-17
Name (Print/Typed) Chun-Pok Leung	Practitioner Registration Number 41,405
<p><b>Note:</b> Signatures of all the inventors, § 1.41(b) applicants, or assignees of record of the entire interest or their representative(s), or reexamination requesters at the appeal stage are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.</p>	
<input type="checkbox"/> *Total of _____ forms are submitted.	

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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**MATTINGLY & MALUR, PC**  
**1800 DIAGONAL ROAD**  
**SUITE 370**  
**ALEXANDRIA VA 22314**

**MAILED**  
**MAY 19 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Nagafuchi et al. :  
Application No. 12/232,703 : **DECISION ON PETITION**  
Filed: September 23, 2008 :  
Attorney Docket No. NIP-285-03 :

This is a decision on the request filed May 17, 2011, seeking relief under the provisions of "Relief Available to Patent and Trademark Applicants, Patentees and Trademark Owners Affected by the Catastrophic Events of March 11, 2011 in Japan," 1365 Off. Gaz. Pat. Office 170 (April 19, 2011).

The request for relief is **GRANTED**.

In the above-identified application, an Office action was mailed on January 31, 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 2857 for re-mailing the Office action of January 31, 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

**MAILED**

**FEB 24 2011**

**OFFICE OF PETITIONS**

**Hoffman, Wasson & Gitler, P.C.**  
**Suite 522**  
**2361 Jefferson Davis Highway**  
**Arlington, Virginia 22202-3876**

In re Application of :  
Trevor Graham JAMES : DECISION GRANTING PETITION  
Application No. 12/232,736 : UNDER 37 CFR 1.137(b)  
Filed: 23 September 2008 :  
Atty. Docket No.: A-8912.RCE.DIV :

This is a decision on the petition under 37 CFR 1.137(b), filed 3 January 2011, to revive the above-identified application ("Application").

The petition is **GRANTED**.

The Application became abandoned for failure to reply in a timely manner to the Notice of Allowability mailed 19 August 2010 ("Notice"), which set a statutory period for reply of three (3) months. The application became abandoned on 20 November 2010, with notification mailed 7 December 2010.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a Statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d).

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of a Response to the outstanding Office action, (2) a petition fee of \$810.00 (small entity), and (3) a Statement of unintentional delay. The reply to the Notice is accepted as having been unintentionally delayed.

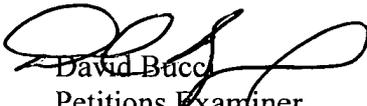
There is no indication that the person signing the instant Petition was given a power of attorney or authorization of agent to prosecute the Application. Further, it is not apparent whether the signer of the Petition was in a position to have firsthand knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of the delay. See, 37 CFR 10.18(b) and Changes to Patent Practice and

Procedure: Final Rule Notice, 62 Fed. Reg. 53131, 53178 (10 October 1997), 1203 Off. Gaz. Pat. Office 63, 103 (21 October 1997). In the event that such an inquiry has not been made, Petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, Petitioner must notify the Office.

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.

General inquiries relating to this decision should be directed to Robert DeWitty, Petitions Examiner, Office of Petitions (571-272-6051).

The application file will be referred to Office of Data Management.

  
David Bucc  
Petitions Examiner  
Office of Petitions

cc: Martin P. Hoffman  
1400 Eye Street, Ste. 300  
Washington, D.C. 20005



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**KILPATRICK TOWNSEND & STOCKTON LLP  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO CA 94111-3834**

**MAILED  
AUG 24 2011  
OFFICE OF PETITIONS**

In re Application of :  
Erez Lieberman et al. :  
Application No. 12/233,008 : DECISION ON PETITION  
Filed: September 18, 2008 : TO WITHDRAW  
Attorney Docket No. 027588-000200US : 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 11, 2011.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request cannot be approved because certifications for acts (1) and (2) as noted in the above-identified have not been performed.

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.

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions



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**KILPATRICK TOWNSEND & STOCKTON LLP  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO CA 94111-3834**

**MAILED  
NOV 07 2011  
OFFICE OF PETITIONS**

In re Application of	:	
Erez Lieberman et al.	:	
Application No. 12/233,008	:	DECISION ON PETITION
Filed: September 18, 2008	:	TO WITHDRAW
Attorney Docket No. 027588-000200US	:	FROM RECORD

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 14, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Charles W. Gray on behalf of all attorneys/agents associated with customer number 20350. All attorneys/agents associated with customer number 20350 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

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: Erez Lieberman  
270 Windsor Street, #4  
Cambridge, MA 02139



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/233,008	09/18/2008	Erez Lieberman	027588-000200US

**CONFIRMATION NO. 1350**

**POWER OF ATTORNEY NOTICE**

20350  
KILPATRICK TOWNSEND & STOCKTON LLP  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO, CA 94111-3834



Date Mailed: 11/01/2011

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 10/14/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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**SIM & MCBURNEY**  
**330 UNIVERSITY AVENUE**  
**6TH FLOOR**  
**TORONTO ON M5G 1R7 CA CANADA**

**MAILED**  
**JUL 27 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Rovinski et al. :  
Application No. 12/233,021 : **DECISION ON PETITION**  
Filed: September 18, 2008 :  
Attorney Docket No. 1038-1301 MIS:jb :

This is a decision on the petition filed June 16, 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 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), in response to the Notice of Appeal filed on October 29, 2010. Accordingly, a reply was due on or before December 29, 2010 or May 29, 2010, with a five (5) month extension of time.

Petitioner asserts that a timely reply was filed via facsimile transmission using certificate of mailing or transmission on March 23, 2011, which included the following papers: An Appeal Brief, an Amendment and a three (3) month extension of time. To support this assertion the petitioner has submitted a copy of the previously mailed correspondence, which bears a certificate of transmission/ mailing dated March 23, 2011, which would render 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 an Appeal Brief to the Notice of Appeal dated October 29, 2010, is hereby withdrawn and the application restored to pending status.

The copy of the reply received with the petition will be accepted in place of the reply shown to have been mailed (or transmitted by facsimile) on March 23, 2011.

Telephone inquiries concerning this decision should be directed to the Alicia Kelley-Collier at (571) 272-6059.

This application is being referred to Technology Center AU 1632 for appropriate action by the Examiner in the normal course of business on the reply.

/Carl Friedman/  
Carl Friedman  
Petitions Examiner  
Office of Petitions



## UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : August 15,2011

In re Application of :

Faris McMullin

Application No : 12233089

Filed : 18-Sep-2008

Attorney Docket No : 0335.0003C

DECISION ON REQUEST TO WITHDRAW AS  
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed August 15,2011

The request is **APPROVED**.

The request was signed by June Elizabeth Cohan (registration no. 43741 ) on behalf of all attorneys/agents associated with Customer Number 27896 . All attorneys/agents associated with Customer Number 27896 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 Anestel Corporation  
Name2  
Address 1 390 E Corporate Drive  
Address 2  
City Meridian  
State ID  
Postal Code 83642  
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

<b>Doc Code: PET.AUTO</b>		PTO/SB/83
<b>Document Description: Petition automatically granted by EFS-Web</b>		U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12233089	
Filing Date	18-Sep-2008	
First Named Inventor	Faris McMullin	
Art Unit	1772	
Examiner Name	LORE JARRETT	
Attorney Docket Number	0335.0003C	
Title	Methods For Providing Composite Asperities	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		27896 <hr style="width: 100px; margin-left: auto; margin-right: 0;"/>
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Anestel Corporation	
Address	390 E Corporate Drive	
City	Meridian	
State	ID	
Postal Code	83642	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/June Elizabeth Cohan/
Name	June Elizabeth Cohan
Registration Number	43741



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United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

BARRY W. CHAPIN, ESQ.  
CHAPIN INTELLECTUAL PROPERTY LAW, LLC  
WESTBOROUGH OFFICE PARK  
1700 WEST PARK DRIVE, SUITE 280  
WESTBOROUGH MA 01581

**MAILED**

**FEB 14 2012**

**OFFICE OF PETITIONS**

In re Application of :  
John A. Kowalonek :  
Application No. 12/233,094 : **DECISION ON PETITION**  
Filed: September 18, 2008 : **UNDER 37 CFR 1.137(b)**  
Attorney Docket No. **SOT08-01** :

This is a decision on the petition, filed January 6, 2012, 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 Office (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 18, 2008. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

- (1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
- (2) the petition fee as set forth in 37 CFR 1.17(m); and
- (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of April 19, 2012, accompanies this decision on petition.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

This application is being forward to the Technology Center AU 3694 for normal course of business.

/JoAnne Burke/  
JoAnne Burke  
Petitions Examiner  
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request



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UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/233,094	09/18/2008	John A. Kowalonek	SOT08-01

CONFIRMATION NO. 1490

58406  
BARRY W. CHAPIN, ESQ.  
CHAPIN INTELLECTUAL PROPERTY LAW, LLC  
WESTBOROUGH OFFICE PARK  
1700 WEST PARK DRIVE, SUITE 280  
WESTBOROUGH, MA 01581

NONPUBLICATION RESCISSION  
LETTER



Date Mailed: 01/11/2012

**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 04/19/2012.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"<sup>1</sup> 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.

<sup>1</sup> Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

/hsarwari/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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**AKERMAN SENTERFITT  
P.O. BOX 3188  
WEST PALM BEACH FL 33402-3188**

**MAILED  
JAN 04 2011  
OFFICE OF PETITIONS**

In re application of :  
Livio Cossutti et al :  
Application No. 12/233,114 : **NOTICE**  
Filed: September 18, 2008 :  
Attorney Docket No. 9526-139 (220905) :

This is a notice regarding your request for acceptance of an additional fee deficiency submission under 37 CFR 1.28 on August 30, 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 additional fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3208.

/KOC/  
Karen Creasy  
Petitions Examiner  
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/233,166	09/18/2008	Peter H. Dublin	3257/102	1641
2101	7590	01/28/2011	EXAMINER	
Sunstein Kann Murphy & Timbers LLP			HERSHLEY, MARK E	
125 SUMMER STREET			ART UNIT	PAPER NUMBER
BOSTON, MA 02110-1618			2162	
			NOTIFICATION DATE	DELIVERY MODE
			01/28/2011	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):

PATENTS@SUNSTEINLAW.COM



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SUNSTEIN KANN MURPHY & TIMBERS LLP  
125 SUMMER STREET  
BOSTON MA 02110-1618

In re Application of:  
DUBLIN, Peter  
Application No. 12/233,166  
Filed: September 18, 2008  
For: **METHOD AND SYSTEM FOR  
AUTHORING AND DISTRIBUTING  
DOWNLOADABLE INTERACTIVE  
LEARNING ACTIVITIES**

**DECISION ON PETITION  
UNDER 37 C.F.R. § 1.84(a)(2)  
TO ACCEPT COLOR  
DRAWINGS**

This is a decision on the petition under 37 C.F.R. § 1.84(a)(2), filed on February 5, 2009, requesting acceptance of color drawings.

The petition requests that the color drawings of Figures 3A-51B be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. § 1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), explanation why the color drawings are necessary, 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

*"the file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."*

The petition was filed with the required fee along with 3 (three) sets of color drawing, Figures 3A-51B. However, the amendment to the specification filed on February 5, 2009 has not been entered. M.P.E.P. 714(II) specifies that any amendment to the specification "must begin on a separate sheet entitled 'Amendments to the Specification.'" As a result, the specification of the instant application does not contain the required notification described above.

Accordingly, the petition is **DISMISSED**.

Any inquiry regarding this decision should be directed to Eddie C. Lee at (571) 272-1732.

*Eddie C. Lee*

---

Eddie C. Lee  
Quality Assurance Specialist, TC 2100



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/233,166	09/18/2008	Peter H. Dublin	3257/102	1641
2101	7590	04/11/2011	EXAMINER	
Sunstein Kann Murphy & Timbers LLP			HERSHLEY, MARK E	
125 SUMMER STREET			ART UNIT	PAPER NUMBER
BOSTON, MA 02110-1618			2155	
			NOTIFICATION DATE	DELIVERY MODE
			04/11/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATENTS@SUNSTEINLAW.COM

SUNSTEIN KANN MURPHY & TIMBERS LLP.  
125 Summer Street  
Boston, MA 02110-1618

In re Application of:  
Peter DUBLIN  
Application No. 12/233,166  
Filed: September 18, 2008  
For: METHOD AND SYSTEM FOR  
AUTHORING AND DISTRIBUTING  
DOWNLOADABLE INTERACTIVE  
LEARNING ACTIVITIES

**DECISION ON PETITION  
UNDER 37 C.F.R. § 1.84(a)(2)  
TO ACCEPT COLOR  
DRAWINGS**

This is a decision on the re-newed petition under 37 C.F.R. § 1.84(a)(2), filed on 04 February 2011, requesting acceptance of color drawings.

The petition requests that the color drawings of Figs. 3A-51B be accepted in lieu of black and white drawing.

A grantable petition under 37 C.F.R. § 1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

*"the file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."*

The petition was filed with the required fee and was filed with three (3) sets of color drawings of Figures 3A-51B. The specification did contain the required notification described above.

The petition is **GRANTED**.

/Vincent N. Trans/  
Vincent N. Trans, SPRE/QAS  
Technology Center 2100  
Computer Architecture and Software  
(571) 272-3613



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NORMAN F MUELLEMAN  
224 W PARK AVE  
CARY IL 60013

**MAILED**  
**MAY 18 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Norm F. Muelleman :  
Application No. 12/233,167 : ON PETITION  
Filed: September 18, 2008 :  
Title: Composite Magnetic Core :  
Construction :

This is a decision on the letter filed May 4, 2011, which is being treated as a petition to withdraw the holding of abandonment under 37 CFR 1.181.

The petition under 37 CFR 1.181 is **GRANTED**.

The above-identified application became abandoned for failure to timely file a reply in response to the final Office action mailed September 27, 2010. This Office action set a shortened statutory period for reply of three (3) months. No reply having been received, the application became abandoned on December 28, 2010. The mailing of this decision precedes the mailing of a courtesy Notice of Abandonment.

It is obvious from reviewing the file that the Office action was mailed to the incorrect address. The Office action should have been addressed to the inventor at the address set forth in the "Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address", filed March 29, 2010. However, the change of address was not entered.

In view thereof, **THE HOLDING OF ABANDONMENT IS WITHDRAWN.**

The change of address has been entered. Future correspondence concerning this application will be mailed to the above address of record.

The matter is being forwarded to Group Art Unit 2832 for re-mailing of the September 27, 2010 final Office action to the above address of record, setting a new period for reply.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.



Cliff Congo  
Petitions Attorney  
Office of Petitions



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United States Patent and Trademark Office  
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Alexandria, VA 22313-1450  
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NAVAL RESEARCH LABORATORY  
ASSOCIATE COUNSEL (PATENTS)  
CODE 1008.2  
4555 OVERLOOK AVENUE, S.W.  
WASHINGTON DC 20375-5320

**MAILED**

**AUG 29 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
Thomas et al..	:	
Application No. 12/233,244	:	ON PETITION
Filed: September 18, 2008	:	
Attorney Docket No. 98724	:	

This is a decision on the petition under 37 C.F.R. § 1.182, filed August 4, 2011, to change the name of an inventor.

The petition is **DISMISSED**.

Currently, Muhammad A. Qidwai, whose name had changed to Siddiq M. Qidwai, is not listed as an inventor in the instant application. As such, the name change petition cannot be granted at this time.

Should a correction of inventorship be necessary, 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 matter is being directed to Technology Center AU 2891 to await a response to the Office action mailed July 26, 2011.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3206. All other inquiries should be directed to the Technology Center.

*/Liana Walsh/*  
Liana Walsh  
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: 81156067

Application Number (if known): 12233246

Filing date: 2008-09-18

First Named Inventor: Andrea Sudik

Title: METHODS OF ENHANCING KINETIC PROPERTIES OF HYDROGEN STORAGE MATERIALS BY SELF-CATALYSIS

**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: Status Statement for Petition to Make Special

Signature /Junqi Hang/

Date 2011-03-07

Name Junqi Hang  
(Print/Typed)

Registration Number 54,615

**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 <sup>1</sup> forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**Instruction Sheet for  
Petition to Make Special Under the Green Technology Pilot Program**  
(Not to be Submitted to the USPTO)

**The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at [http://www.uspto.gov/patents/init\\_events/green\\_tech.jsp](http://www.uspto.gov/patents/init_events/green_tech.jsp)):**

- 1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.
- 2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- 3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- 4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- 5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- 6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

ANDREA SUDIK, ET AL.

Serial No.: 12/233,246

Filed: September 18, 2008

For: METHODS OF ENHANCING KINETIC PROPERTIES OF  
HYDROGEN STORAGE MATERIALS BY SELF-CATALYSIS

Group Art Unit: 1736

Examiner: Wayne A. Langel

Attorney Docket No.: 81156067 (FMC 2251 PUS)

**STATUS STATEMENT FOR PETITION TO MAKE SPECIAL  
UNDER THE GREEN TECHNOLOGY PILOT PROGRAM**

Commissioner for Patents  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This statement accompanies the corresponding Petition to Make Special under the Green Technology Pilot Program for the above-referenced application.

Applicants submit that the claims are directed to a single invention that materially contributes to the discovery or development of renewable energy resources (catalyst materials for renewable fuel cell energy). See, for instance, the claims originally filed.

The publication fee under 37 C.F.R. § 1.18(d) of \$300 has been paid upon filing. Please charge any additional required fees to Deposit Account No. 06-1510 (Ford Global Technologies, LLC).

Respectfully submitted,

**ANDREA SUDI, ET AL.**

By:         /Junqi Hang/          
Junqi Hang  
Reg. No. 54,615  
Attorney for Applicants

Date:         March 7, 2011        

**BROOKS KUSHMAN P.C.**  
1000 Town Center, 22nd Floor  
Southfield, MI 48075-1238  
Phone: 248-358-4400  
Fax: 248-358-3351



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/233,246	09/18/2008	Andrea Sudik	81156067	1789
28395	7590	03/28/2011	EXAMINER	
BROOKS KUSHMAN P.C./FGTL			LANGEL, WAYNE A	
1000 TOWN CENTER			ART UNIT	PAPER NUMBER
22ND FLOOR			1736	
SOUTHFIELD, MI 48075-1238			MAIL DATE	DELIVERY MODE
			03/28/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



BROOKS KUSHMAN P.C./FGTL  
1000 TOWN CENTER  
22ND FLOOR  
SOUTHFIELD MI 48075-1238

3/28/2011

In re Application of	:	
Sudik et al.	:	DECISION ON PETITION
Application No. 12/233,246	:	TO MAKE SPECIAL UNDER
Filed: 9/18/2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. 81156067	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 3/7/2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a

request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquires concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1736 for action on the merits commensurate with this decision.

/Tom Dunn/

---

Tom Dunn  
Quality Assurance Specialist  
Technology Center 1700



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/233,297	09/18/2008	Samir F. Saba	UPIIT-16210	1887
7590 04/20/2011				
Peter G. Carroll MEDLEN & CARROLL, LLP Suite 350 101 Howard Street San Francisco, CA 94105			EXAMINER STICE, PAULA J	
			ART UNIT	PAPER NUMBER
			3766	
			MAIL DATE	DELIVERY MODE
			04/20/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Paper No. 9

MEDLEN & CARROLL, LLP  
Attention: Thomas C. Howerton  
101 Howard Street, Suite 350  
San Francisco, CA 94105

In re Application of: Saba et al  
Application No. 12/233,297  
Filed: September 18, 2008  
For: ELECTROCARDIOGRAM  
RECONSTRUCTION FROM  
IMPLANTED DEVICE  
ELECTROGRAMS

**DECISION ON PETITION UNDER 37  
C.F.R. § 1.84(a)(2) TO ACCEPT  
COLOR DRAWINGS**

This is a decision on the petition under 37 C.F.R. § 1.84(a)(2), filed February 27, 2009, requesting acceptance of color drawings. The petition requests that Figures 6 and 7 of the drawings, which are in color, be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. § 1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), three (3) sets of the color drawings in question, a black and white photocopy of said drawings, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

*"the file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."*

The petition was filed without modification to the "Brief Description of the Drawings" portion of the specification to include the above language noting the presence of color drawings. The aspects of Figs.6 and 7 are only briefly mentioned on the very last page of the specification (p.30) and do not appear to be critical to the claimed invention. There is nothing in the claims that discusses the colored aspects of the invention. The black and white replacement drawings filed by the Applicant on 2/27/2009 for Figs. 2 and 6, and on 3/31/2009 for Fig.7 appear to adequately distinguish the individual waveforms.

Applicants' submission does not meet all criteria set out above. Accordingly, the petition is **DENIED**.

/Carl H. Layno/

Supervisory Patent Examiner, Technology Center 3700, Art Unit 3766  
(571) 272-4949



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LEE & HAYES, PLLC  
601 W RIVERSIDE AVENUE  
SUITE 1400  
SPOKANE WA 99201

MAILED

AUG 23 2010

OFFICE OF PETITIONS

In re Application of :  
Michael Wilhelm :  
Application No. 12/233,318 :  
Filed: September 18, 2008 :  
Attorney Docket No. IF1-0069US :

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 20, 2010 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

*Petitioner is advised that the issue fee paid on August 5, 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.<sup>1</sup>*

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2817 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Terri Johnson  
Petitions Examiner  
Office of Petitions

<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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SCHWEGMAN, LUNDBERG & WOESSNER/BSC-CRM  
PO BOX 2938  
MINNEAPOLIS, MN 55402

**MAILED**

**JAN 26 2012**

**OFFICE OF PETITIONS**

In re Application of :  
David R. Wulfman :  
Application No. 12/233,345 : DECISION GRANTING PETITION  
Filed: September 18, 2008 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. 279.F30US1 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed January 25, 2012, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

*Petitioner is advised that the issue fee paid on December 22, 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.<sup>1</sup>*

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 3766 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/  
April M. Wise  
Petitions Examiner  
Office of Petitions

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<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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Paper No.

MYERS BIGEL SIBLEY & SAJOVEC  
PO BOX 37428  
RALEIGH NC 27627

**MAILED**

**JUN 20 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Ayazi et al. :  
Application No. 12/233,395 :  
In re Patent No. 7,800,282 : DECISION ON PETITION  
Filing Date: September 18, 2008 : PURSUANT TO 37 C.F.R.  
Issue Date: September 21, 2010 : § 3.81(B)  
Attorney Docket Number: 5646-197 :  
Title: SINGLE-RESONATOR DUAL- :  
FREQUENCY LATERAL-EXTENSION MODE :  
PIEZOELECTRIC OSCILLATORS, AND :  
OPERATING METHODS THEREOF :

This is a decision on the petition pursuant to 37 C.F.R. § 3.81(b), filed March 24, 2011, to correct the Assignee's information on the Issue Fee Transmittal Form PTOL-85(b). A supplement to this petition was filed on June 17, 2011.

The petition is **GRANTED**.

With this petition, Petitioner requests that a Certificate of Correction be issued to correct the assignee information that appears on the face of the patent. Petitioner has requested that the name of the Assignee should be changed from "Integrated Device Technology, Inc., San Jose, CA (US)" to "Georgia Tech Research Corporation, Atlanta, GA (US)."

37 C.F.R. § 3.81(b), effective June 25, 2004, reads:

(b) 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.

Petitioner has set forth that the assignment was submitted for recordation as set forth in 37 C.F.R. § 3.11 before issuance of the patent, and Office records confirm that an assignment was received in the Office on September 18, 2008, listing Georgia Tech Research Corporation of Atlanta, Georgia as the assignee.

Payment of the required \$100 certificate of correction fee and the \$130 processing fee is acknowledged.

The Certificates of Correction Branch will be notified of this decision so that the requested Certificate of Correction can be issued, correcting the Assignee information to "Georgia Tech Research Corporation, Atlanta, GA (US)."

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225. Any questions concerning the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (703) 756-1814.

/Paul Shanoski/  
Paul Shanoski  
Senior Attorney  
Office of Petitions



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AVERILL & GREEN  
8244 PAINTER AVE.  
WHITTIER CA 90602

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**AUG 15 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
Urduan et al.	:	
Application No.: 12/233411	:	ON PETITION
Filing or 371(c) Date: 09/18/2008	:	
Attorney Docket Number:	:	
138/156	:	

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 July 22, 2011.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely reply to the non-final Office action, mailed January 4, 2011. The Office action set a three (3) period for reply. Extensions of time under 37 CFR 1.136(a) were available. Applicant filed a reply on June 30, 2011; however, no extension of time request or fee was included with the reply. No complete and proper reply having been received, the application became abandoned on July 1, 2011.

Applicant files the present petition and Amendment in response to the Office action. The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an Amendment is filed with the present petition; (2) the petition fee; and (3) the required statement of unintentional delay. Accordingly, the reply is accepted as having been unintentionally delayed.

This application is being referred to Technology Center Art Unit 2455 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



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**FENWICK & WEST LLP  
SILICON VALLEY CENTER  
801 CALIFORNIA STREET  
MOUNTAIN VIEW CA 94041**

**MAILED**

**DEC 20 2010**

In re Application of  
Richard BRINDLEY, et al  
Application No. 12/233,540  
Filed: September 18, 2008  
Attorney Docket No. 24463-13820

**OFFICE OF PETITIONS**

**DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed 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.

A review of the file record indicates that Brenda Herschbach Jarrell 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.

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

Cc: **BRENDA HERSCHBACH JARRELL  
TWO INTERNATIONAL PLACE  
BOSTON, MA 02110**



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/233,704	09/19/2008	Thomas George Crowe	10978R	2586
27752 7590 10/25/2010 THE PROCTER & GAMBLE COMPANY Global Legal Department - IP Sycamore Building - 4th Floor 299 East Sixth Street CINCINNATI, OH 45202			EXAMINER ALLEN, JEFFREY R	
			ART UNIT 3781	PAPER NUMBER
			MAIL DATE 10/25/2010	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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THE PROCTER & GAMBLE COMPANY  
Global Legal Department - IP  
Sycamore Building - 4th Floor  
299 East Sixth Street  
CINCINNATI OH 45202

In re Application of	:	
CROWE, THOMAS GEORGE et al	:	DECISION ON REQUEST TO
Application No. 12/233,704	:	PARTICIPATE IN PATENT
Filed: Sep. 19, 2008	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 10978R	:	PROGRAM AND PETITION
For: ORIENTATION SYSTEM FOR A	:	37 CFR 1.102(d)
CLOSURE	:	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed May 4, 2010 to make the above-identified application special.

The request and petition are dismissed as moot.

A grantable request to participate in the PCT/PPH pilot program and petition to make special require:

- (1) The U.S. 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.
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the EPO 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 corresponding PCT/EPO application(s);
- (4) Examination of the U.S. application has not begun;

- (5) Applicant must submit a copy of all the international work product of the PCT office actions from each of the PCT/EPO 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 ISA/EPO examiner in the PCT/EPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
- (7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition met all conditions except Item #4 above. While the petition was in process for consideration, the examiner has issued an Office action on the merits on Oct. 12, 2010. Therefore, the petition cannot be granted.

Applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Any inquiry regarding this decision should be directed to Henry Yuen, Special Program Examiner, at (571) 272-4856. All other inquiries concerning the examination or status of the application should be directed to Examiner Jeffrey Allan at 571-270-7426.

The petition is dismissed as moot.

/Henry C. Yuen/

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Henry C. Yuen  
Special Programs Examiner  
Technology Center 3700  
Tel: 571-272-4856



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In re Application of  
Kent Davey

:  
:

Application No. 12233742

:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)

Filed: September 19, 2008

:

Attorney Docket No. UTAU:1286

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 24-AUG-2010 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.



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MOETTELI & ASSOCIATES SARL  
ST. LEONHARDSTRASSE 4  
ST. GALLEN CH-90-00 CH SWITZERLAND

**MAILED**

OCT 01 2010

OFFICE OF PETITIONS

In re Application of  
Michael Kelleher  
Application No. 12/233,759  
Filed: September 19, 2008  
Attorney Docket No. PUS-K002-001

DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed September 8, 2010.

The request is **NOT APPROVED**.

A review of the file record indicates that John Moettell or any attorneys/agents associated with Customer Number 51184 does not have power of attorney or was ever given power of attorney in the above-identified application. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the address of record until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-4584.

/JoAnne Burke/  
JoAnne Burke  
Petitions Examiner  
Office of Petitions



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO. Includes details for application 12/233,814 filed 09/19/2008 by HUNG-KUANG HSU.

Altis Law Group, Inc.
ATTN: Steven Reiss
288 SOUTH MAYO AVENUE
CITY OF INDUSTRY, CA 91789

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)
The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Handwritten signature of Mimi James

Patent Publication Branch
Office of Data Management

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 11/16/11

TO SPE OF : ART UNIT: 1762 Attn: WU DAVID W (SPE)

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/233854 Patent No.: 8029286

CofC mailroom date: 11/04/2011

Please respond to this request for a certificate of correction within 7 days.

**FOR IFW FILES:**

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

**FOR PAPER FILES:**

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)  
Randolph Square – 9D10-A  
Palm Location 7580

Note: Please check References Cited in Other Publications & Specifications

**Tasneem Siddiqui**  
Certificates of Correction Branch  
703-756-1814 & 703-756-1593

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

Specify below which changes do not apply.

Denied

State the reasons for denial below.

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

David W. Wu  
SPE

1762  
Art Unit