

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

Application No:	12/278,898	Filing date:	August 08, 2008
-----------------	------------	--------------	-----------------

First Named Inventor:	HEO, SOON YEONG
-----------------------	-----------------

Title of the Invention:	SILVER ORGANO-SOL INK FOR FORMING ELECTRICALLY CONDUCTIVE PATTERNS
-------------------------	--

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/KR2007/000206

The international date of the corresponding PCT application(s) is/are: 11 JANUARY 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.**

Privacy Act Statement

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

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

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

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To: SHINSEGI PATENT LAW FIRM 3th Floor, Yoong-jun Bldg., 829-6 Yeoksam-dong, Gangnam-ku Seoul 135-936 Republic of Korea

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing (day/month/year) 18 APRIL 2007 (18.04.2007)	
Applicant's or agent's file reference LBM130-07	FOR FURTHER ACTION See paragraph 2 below
International application No. PCT/KR2007/000206	International filing date (day/month/year) 11 JANUARY 2007 (11.01.2007)
	Priority date(day/month/year) 13 FEBRUARY 2006 (13.02.2006)
International Patent Classification (IPC) or both national classification and IPC <i>B41M 1/00(2006.01)i, G03G 5/00(2006.01)i, C09D 11/00(2006.01)i</i>	
Applicant EXAX INC. et al	

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

Box No. I Basis of the opinion

Box No. II Priority

Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

Box No. IV Lack of unity of invention

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Box No. VI Certain documents cited

Box No. VII Certain defects in the international application

Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

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

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

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

Name and mailing address of the ISA/KR  Korean Intellectual Property Office 920 Dunsan-dong, Seo-gu, Daejeon 302-701, Republic of Korea Facsimile No. 82-42-472-7140	Date of completion of this opinion 18 APRIL 2007 (18.04.2007)	Authorized officer JANG, Jung Suk Telephone No.017)416-2281	
---	--	---	---

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/KR2007/000206

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of :
 - the international application in the language in which it was filed
 - a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))
2. This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of:
 - a. type of material
 - a sequence listing
 - table(s) related to the sequence listing
 - b. format of material
 - on paper
 - in electronic form
 - c. time of filing/furnishing
 - contained in the international application as filed.
 - filed together with the international application in electronic form.
 - furnished subsequently to this Authority for the purposes of search.
4. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/KR2007/000206

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	2 - 13, 14 (part), 15, 16, 19, 20	YES
	Claims	1, 14 (part), 17, 18	NO
Inventive step (IS)	Claims	2 - 13, 14 (part), 15, 16, 19, 20	YES
	Claims	1, 14 (part), 17, 18	NO
Industrial applicability (IA)	Claims	1 - 20	YES
	Claims	None	NO

2. Citations and explanations :

1. Reference is made to the following documents:

D1: JP 63-278983 A (Toyota Autom. Loom. Works Ltd.) 16 November 1988
 D2: JP 05-311103 A (Tanaka Anaka Kikinzoku Kogyo KK.) 22 November 1993
 D3: JP 13-207088 A (Matsushita Electric Ind. Co., Ltd.) 31 July 2001

D1 discloses an organometallic ink which can give a pattern formation solution of an increased metal content which is useful for the circuit pattern formation of hybrid IC and retains a viscosity suitable for a liquid crystal injector of an ink jet system. The organometallic ink of D1 was obtained by mixing a metal tertiary carboxylate, e.g. silver neodecanoate, with an organic solvent comprising an aromatic hydrocarbon and an agent for preventing volatilization of a solvent.

D2 discloses a printing ink for silver conductor circuit comprising a resin component, a silver component (preferably metallic silver powder singly dispersed and having 0.1-0.5µm particle diameter), a flux component, and a solvent.

D3 discloses a silver ink which can be used as an electrode material for electronic parts. The silver ink of D3 is obtained by mixing at least one of a solvent, a metallic powder, a ceramic powder, glass powder, an organometallic compound, and a resin with a silver soap.

2. Novelty and Inventive Step

2 - 1. Claim 1

The subject matter of claim 1 relates to a silver organo-sol ink of solution type for forming electrically conductive pattern comprising:

(A1) silver C0 to C16 aliphatic carboxylate saturated or unsaturated, linear or branched, unsubstituted or substituted with amino, nitro and/or hydroxy group(s) having 1 to 3 carboxyl groups,
 or (A2) silver aromatic carboxylate defined as Formula 1;
 and (B) organic solvent.

The organometallic ink of D1 comprises (A1) a metal tertiary carboxylate, e.g. silver neodecanoate, and (B) an organic solvent (abstract, example 1). The printing ink of D2 (Continued on Supplemental Sheet.)

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/KR2007/000206

Box No. VI Certain documents cited

1. Certain published documents (Rule 43bis.1 and 70.10)

<u>Application No. Patent No.</u>	<u>Publication date (day/month/year)</u>	<u>Filing date (day/month/year)</u>	<u>Priority date (valid claim) (day/month/year)</u>
P, X KR 10-0587402 B1	30 / 05 / 2006	11 / 10 / 2005	
P, X KR 10-0587404 B1	30 / 05 / 2006	02 / 09 / 2005	

Document KR 10-0587402 B1, filed on 11/10/2005, published on 30/05/2006 does not constitute prior art with the meaning of Rule 64.1(b) PCT, but appears to disclose all the features of claims 1-16.

Document KR 10-0587404 B1, filed on 02/09/2005, published on 30/05/2006 does not constitute prior art with the meaning of Rule 64.1(b) PCT, but appears to disclose all the features of claims 1-4, 14, and 17-20.

2. Non-written disclosures (Rule 43bis.1 and 70.9)

<u>Kind of non-written disclosure</u>	<u>Date of non-written disclosure (day/month/year)</u>	<u>Date of written disclosure referring to non-written disclosure (day/month/year)</u>
---------------------------------------	--	--

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/KR2007/000206

Box No. VIII Certain observations on the international application

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

Concerning the constituents of silver organo-sol ink with respect to [20], [25] and [26] of description, claim 1 and claim 17, the scope of carbon numbers in silver aliphatic carboxylate is unclear since aliphatic carboxylate cannot be embodied in case of C0 or C1. [PCT Article 5 and 6]

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/KR2007/000206

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of :

BOX V

contains (A1) metallic silver powder, e.g. silver 2-ethyl hexanoate or silver neodecanoate ([0010]) and (B) an organic solvent like xylene, toluene, and butanol ([0007]). The silver ink of D3 also comprises (A1) silver C2 to C22 aliphatic carboxylate and (B) an organic solvent (claims, [0011]).

As the silver ink comprising (A1) silver aliphatic carboxylate and (B) organic solvent is disclosed in D1 to D3, the silver organo-sol ink of claim 1 of the present invention is anticipated by D1 to D3. Thus the subject matter of claim 1 is neither novel nor inventive under PCT Article 33(2) and (3).

2 - 2. Claims 2 to 13

Claim 2, which is dependent on claim 1, defines (B) organic solvent of claim 1 as (B1) a reactive organic solvent which can form chelate or complex with silver and (B2) polar or nonpolar organic solvent for control of viscosity.

The subject matter of claim 2 differs from the disclosure of D1 to D3 mainly in the organic solvent used in the silver ink. There is no suggestion in any of the documents D1 to D3, either alone or in combination, which would lead to the combination of organic solvent (B1 + B2) as disclosed in claim 2. Also, the organic solvent of claim 2 would not be obvious to a person skilled in the art. Thus the subject matter of claim 2 is considered to be novel and inventive under PCT Article 33(2) and 33(3).

Claims 3 to 13 are dependent on claim 2, and consequently, the subject matter of claims 3 to 13 is also novel and inventive under PCT Article 33(2) and (3).

2 - 3. Claim 14

Claim 14 relates to silver organo-sol ink of solution type according to any one of claim 1 to claim 13, wherein said silver organo-sol ink is used for electrically conductive patterns by inkjet-printing .

D1 discloses a silver ink comprising (A1) silver neodecanoate and (B) an organic solvent which can be used for the circuit pattern formation of hybrid IC and retains a viscosity suitable for a liquid crystal injector of an ink jet system .

As D1 discloses the silver ink comprising (A1) silver aliphatic carboxylate and (B) organic solvent which can be used in ink jet system, the subject matter of claim 14 is anticipated by D1 in case of using silver organo-sol ink of solution type according to claim 1. Thus the subject matter of claim 14, in case of using the silver organo-sol ink of solution type according to claim 1, is neither novel nor inventive. [PCT Article 33(2) and (3)]

However, in case of using the silver organo-sol ink of solution type according to any one of claim 2 to claim 13, none of the prior documents D1 to D3 teaches or fairly suggests the combination of organic solvent B1 and B2 as disclosed in claims 2 to 13.

(Continued on the Next Supplemental Sheet)

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/KR2007/000206

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of :

BOX V.

Also, the organic solvent of claims 2 to claim 13 would not be obvious to a person skilled in the art. Therefore the subject matter of claim 14, in case of using the silver organo-sol ink of solution type according to any one of claim 2 to 13, is novel and inventive under PCT Article 33(2) and (3).

2 - 4 Claims 15 and 16

Claims 15 and 16, which are dependent on claim 14, define the compositional range of (A2) silver aromatic carboxylate. None of the prior documents D1 to D3 discloses (A2) silver aromatic carboxylate. Also, it is not obvious to a person skilled in the art to use the silver aromatic carboxylate (A2) of Formula 1 in an etching solution. Thus the subject matter of claims 15 and 16 is considered to be novel and inventive under PCT Article 33(2) and (3).

2 - 5 Claims 17 and 18

Claims 17 and 18, which are dependent on claim 1, define (A1) silver aliphatic carboxylate as silver C0 to C8 aliphatic carboxylate saturated or unsaturated, linear or branched, unsubstituted or substituted with amino, nitro and/or hydroxy group(s).

D2 discloses the printing ink containing (A1) silver 2-ethyl hexanoate ([0010]) with (B) an organic solvent like xylene, toluene, and butanol ([0007]). The silver ink of D3 also comprises (A1) silver C2 to C22 aliphatic carboxylate and (B) an organic solvent (claims, [0011]).

As the silver ink comprising (A1) silver aliphatic carboxylate and (B) organic solvent is disclosed in both D2 and D3, the silver organo-sol ink of claims 17 and 18 of the present invention is anticipated by both D2 and D3. Thus the subject matter of claims 17 and 18 is neither novel nor inventive under PCT Article 33(2) and (3).

2 - 6 Claims 19-20

Claims 19 and 20, which are dependent on claim 18, define the compositional range of (A1) silver aliphatic carboxylate, (B1) a reactive organic solvent, and (B2) polar or nonpolar organic solvent.

None of the prior documents D1 to D3 discloses the combination of B1 and B2 for the organic solvent. Also, the combination of organic solvents B1 and B2 would not be obvious to a person skilled in the art. Thus the subject matter of claims 19 and 20 is considered to be novel and inventive under PCT Article 33(2) and (3).

3. Industrial Applicability

The subject matter of claims 1 to 20 appears to be industrially applicable under PCT Article 33(4).

USSN 12/278,898
SHIN-004

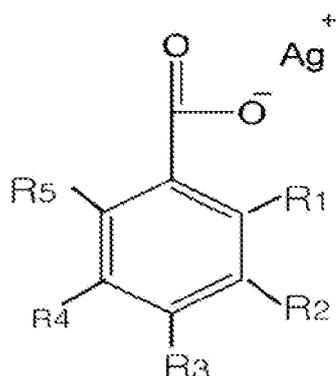
**Copy of All Claims Which Were Indicated As Having Novelty, Inventive Step
and Industrial Applicability In Corresponding PCT Application**

Claims 2-13, 14, 15, 16, 19, 20

(The Above Claims Were Indicated As Having Novelty, Inventive Step and Industrial Applicability In Corresponding PCT Application)

2. Silver organo-sol ink of solution type according to claim 1, wherein said organic solvent consists of a reactive organic solvent which can form chelate or complex with silver and polar or nonpolar organic solvent for control of viscosity.
3. Silver organo-sol ink of solution type according to claim 2, wherein said reactive organic solvent is a hydrocarbon having keton, mercapto, carboxyl, aniline or sulfurous functional group.
4. Silver organo-sol ink of solution type according to claim 3, wherein said nonpolar organic solvent is an aliphatic or aromatic hydrocarbon and said polar organic solvent is water or C1 to C12, saturated or unsaturated, mono to tri functional aliphatic alcohol.
5. Silver organo-sol ink of solution type according to claim 4, wherein said silver aromatic carboxylate is 5 to 70 wt % of the total silver organo-sol ink.
6. Silver organo-sol ink of solution type according to claim 2, wherein said ink is comprising 10 to 50 wt% of silver aromatic carboxylate defined as Formulas 1a; 10 to 60 wt% of reactive organic solvent selected from the group consisting of amine substituted by one or more C1 to C6 hydroxy alkyl and C1 to C16 aliphatic thiol, linear or branched; and residual polar or nonpolar organic solvent

Formula 1a

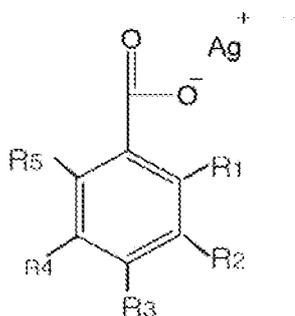


in which R₁, R₂, R₃, R₄ and R₅ are respectively H, OH, nitro or C1 to C9 alkyl.

7. Silver organo-sol ink of solution type according to claim 6, wherein said silver aromatic carboxylate defined as Formulas 1a is silver benzoate or silver 4-aminobenzoate.

8. Silver organo-sol ink of solution type according to claim 2, wherein said ink is comprising 10 to 50 wt% of silver aromatic carboxylate defined as Formulas 1b; 10 to 60 wt% of reactive organic solvent selected from the group consisting of amine substituted by one or more C1 to C6 hydroxy alkyl and C1 to C16 aliphatic thiol, linear or branched; and residual polar or nonpolar organic solvent

Formula 1b

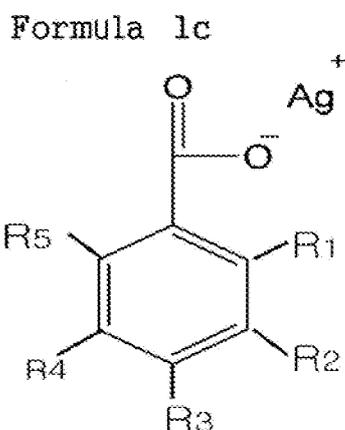


in which one among R₁, R₂, R₃, R₄ and R₅ is COO⁻Ag⁺, and the others are respectively H, OH, amino, nitro or C1 to C9 alkyl.

9. Silver organo-sol ink of solution type according to claim 8, wherein R₃ is COO⁻Ag⁺ and R₁, R₂, R₄ and R₅ are respectively H, OH or C1 to C9 alkyl.

10. Silver organo-sol ink of solution type according to claim 9, wherein said silver aromatic carboxylate defined as Formulas 1b is silver phthalate.

11. Silver organo-sol ink of solution type according to claim 2, wherein said ink is comprising comprising 10 to 50 wt% of silver aromatic carboxylate defined as Formulas 1c; 10 to 60 wt% of reactive organic solvent selected from the group consisting of amine substituted by one or more C1 to C6 hydroxy alkyl and C1 to C16 aliphatic thiol, linear or branched; and residual polar or nonpolar organic solvent



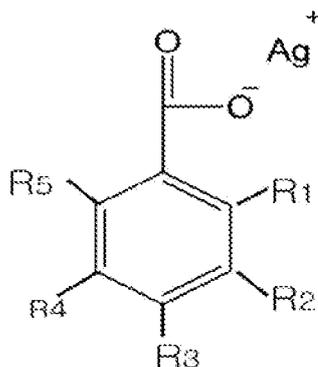
in which two or more among R₁, R₂, R₃, R₄ and R₅ are COO⁻Ag⁺, and the others are respectively H, OH or C1 to C9 alkyl.

12. Silver organo-sol ink of solution type according to claim 11, wherein R₂ and R₄ are COO⁻Ag⁺ and R₁, R₃ and R₅ are respectively H, OH or C1 to C9 alkyl.
13. Silver organo-sol ink of solution type according to claim 12, wherein said silver aromatic carboxylate defined as Formulas 1c is silver trimesate.
14. Silver organo-sol ink of solution type according to any one of claim 1 to claim 13, wherein said silver organo-sol ink is used for electrically conductive patterns by inkjet-printing.
15. Silver organo-sol ink of solution type according to claim 14, wherein said silver aromatic carboxylate is 20 to 40 wt % of the total silver organo-sol ink.
16. Silver organo-sol ink of solution type according to claim 15, wherein said reactive solvent is ethanolamine, diethanolamine or triethanolamine.
19. Silver organo-sol ink of solution type according to claim 18, wherein said ink is comprising 10 to 50 wt% of said silver aliphatic carboxylate; 10 to 60 wt% of reactive organic solvent selected from the group consisting of amine substituted by one or more C1 to C6 hydroxy alkyl and C1 to C16 aliphatic thiol, linear or branched; and residual polar or nonpolar organic solvent.
20. Silver organo-sol ink of solution type according to claim 19, wherein said silver aliphatic carboxylate is silver citrate, silver oxalate or silver formate.

**Claims 2-13, 14, 15, 16, 19, 20 As Amended In
Preliminary Amendment Filed 09-27-10**

2. (currently amended) Silver organo-sol ink of solution type ~~according to claim 1, for forming electrically conductive pattern comprising effective amount of silver C0 to C16 aliphatic carboxylate saturated or unsaturated, linear or branched, unsubstituted or substituted with amino, nitro and/or hydroxy group(s) having 1 to 3 carboxyl groups or silver aromatic carboxylate defined as Formulas 1; and organic solvent~~

Formula 1

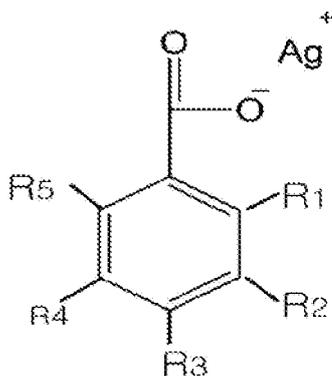


in which R₁, R₂, R₃, R₄ and R₅ are respectively COO⁻Ag⁺, H, OH, amino, nitro or C1 to C9 alkyl, wherein said organic solvent consists of a reactive organic solvent which can form chelate or complex with silver and polar or nonpolar organic solvent for control of viscosity.

3. (original) Silver organo-sol ink of solution type according to claim 2, wherein said reactive organic solvent is a hydrocarbon having keton, mercapto, carboxyl, aniline or sulfurous functional group.
4. (original) Silver organo-sol ink of solution type according to claim 3, wherein said nonpolar organic solvent is an aliphatic or aromatic hydrocarbon and said polar organic solvent is water or C1 to C12, saturated or unsaturated, mono to tri functional aliphatic alcohol.
5. (original) Silver organo-sol ink of solution type according to claim 4, wherein said silver aromatic carboxylate is 5 to 70 wt% of the total silver organo-sol ink.
6. (original) Silver organo-sol ink of solution type according to claim 2, wherein said ink is comprising 10 to 50 wt% of silver aromatic carboxylate defined as Formulas 1a; 10 to 60 wt% of reactive organic solvent selected from the group consisting of amine substituted by one

or more C1 to C6 hydroxy alkyl and C1 to C16 aliphatic thiol, linear or branched; and residual polar or nonpolar organic solvent

Formula 1a

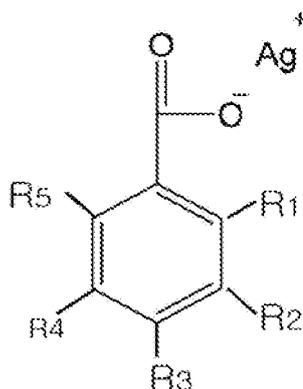


in which R₁, R₂, R₃, R₄ and R₅ are respectively H, OH, nitro or C1 to C9 alkyl.

7. (original) Silver organo-sol ink of solution type according to claim 6, wherein said silver aromatic carboxylate defined as Formulas 1a is silver benzoate or silver 4-aminobenzoate.

8. (currently amended) Silver organo-sol ink of solution type according to claim 2, wherein said ink is comprising 10 to 50 wt% of silver aromatic carboxylate defined as Formulas 1b; 10 to 60 wt% of reactive organic solvent selected from the group consisting of amine substituted by one or more C1 to C6 hydroxy alkyl and C1 to C16 aliphatic thiol, linear or branched; and residual polar or nonpolar organic solvent in which one among R₁, R₂, R₃, R₄ and R₅ is $\text{COO}^- \text{Ag}^+$ $\text{COO}^- \text{Ag}^+$, and the others are

Formula 1b

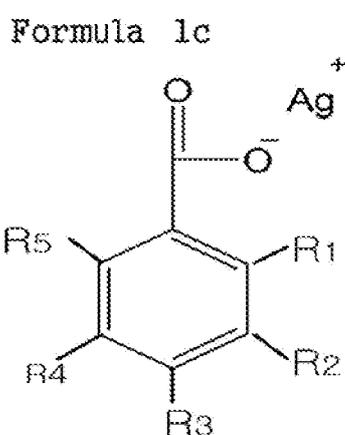


respectively H, OH, amino, nitro or C1 to C9 alkyl.

9. (Original) Silver organo-sol ink of solution type according to claim 8, wherein R₃ is $\text{COO}^- \text{Ag}^+$ and R₁, R₂, R₄ and R₅ are respectively H, OH or C1 to C9 alkyl.

10. (Original) Silver organo-sol ink of solution type according to claim 9, wherein said silver aromatic carboxylate defined as Formulas 1b is silver phthalate.

11. (Currently Amended) Silver organo-sol ink of solution type according to claim 2, wherein said ink is comprising ~~comprising~~ 10 to 50 wt% of silver aromatic carboxylate defined as Formulas 1c; 10 to 60 wt% of reactive organic solvent selected from the group consisting of amine substituted by one or more C1 to C6 hydroxy alkyl and C1 to C16 aliphatic thiol, linear or branched; and residual polar or nonpolar organic solvent



in which two or more among R₁, R₂, R₃, R₄ and R₅ are COO⁻Ag⁺, and the others are respectively H, OH or C1 to C9 alkyl.

12. (Original) Silver organo-sol ink of solution type according to claim 11, wherein R₂ and R₄ are COO⁻Ag⁺ and R₁, R₃ and R₅ are respectively H, OH or C1 to C9 alkyl.

13. (Original) Silver organo-sol ink of solution type according to claim 12, wherein said silver aromatic carboxylate defined as Formulas 1c is silver trimesate.

14. (Currently Amended) Silver organo-sol ink of solution type according to any one of claim [1] 2 to claim 13, wherein said silver organo-sol ink is used for electrically conductive patterns by inkjet-printing.

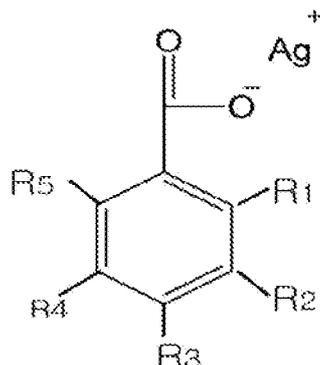
15. (Original) Silver organo-sol ink of solution type according to claim 14, wherein said silver aromatic carboxylate is 20 to 40 wt% of the total silver organo-sol ink.

16. (Original) Silver organo-sol ink of solution type according to claim 15, wherein said reactive solvent is ethanolamine, diethanolamine or triethanolamine.

19. (Currently Amended) Silver organo-sol ink of solution type ~~according to claim 18~~ for forming electrically conductive pattern comprising effective amount of silver C0 to C16 aliphatic carboxylate saturated or unsaturated, linear or branched, unsubstituted or substituted

with amino, nitro and/or hydroxy group(s) having 1 to 3 carboxyl groups or silver aromatic carboxylate defined as Formula 1; and organic solvent

Formula 1



in which R₁, R₂, R₃, R₄ and R₅ are respectively COO⁻Ag⁺, H, OH, amino, nitro or C1 to C9 alkyl,

wherein said ink is comprising effective amount of silver C0 to C8 aliphatic carboxylate saturated or unsaturated, linear or branched, unsubstituted or substituted with amino, nitro and/or hydroxy group(s),

wherein said aliphatic carboxylate is having 1 to 3 carboxyl groups, and

wherein said ink is comprising 10 to 50 wt% of said silver aliphatic carboxylate; 10 to 60 wt% of reactive organic solvent selected from the group consisting of amine substituted by one or more C1 to C6 hydroxy alkyl and C1 to C16 aliphatic thiol, linear or branched; and residual polar or nonpolar organic solvent,

20. (Original) Silver organo-sol ink of solution type according to claim 19, wherein said silver aliphatic carboxylate is silver citrate, silver oxalate or silver formate.

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference LBM130-07	FOR FURTHER ACTION		See item 4 below
International application No. PCT/KR2007/000206	International filing date (<i>day/month/year</i>) 11 January 2007 (11.01.2007)	Priority date (<i>day/month/year</i>) 13 February 2006 (13.02.2006)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant EXAX INC.			

<p>1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).</p> <p>2. This REPORT consists of a total of 8 sheets, including this cover sheet.</p> <p>In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.</p>																								
<p>3. This report contains indications relating to the following items:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 10%; text-align: center;"><input checked="" type="checkbox"/></td> <td style="width: 20%;">Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table> <p>4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).</p>	<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input checked="" type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input checked="" type="checkbox"/>	Box No. VIII	Certain observations on the international application
<input checked="" type="checkbox"/>	Box No. I	Basis of the report																						
<input type="checkbox"/>	Box No. II	Priority																						
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability																						
<input type="checkbox"/>	Box No. IV	Lack of unity of invention																						
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement																						
<input checked="" type="checkbox"/>	Box No. VI	Certain documents cited																						
<input type="checkbox"/>	Box No. VII	Certain defects in the international application																						
<input checked="" type="checkbox"/>	Box No. VIII	Certain observations on the international application																						

<p>The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland</p> <p>Facsimile No. +41 22 338 82 70</p>	<p>Date of issuance of this report 19 August 2008 (19.08.2008)</p> <p>Authorized officer Philippe Becamel</p> <p>e-mail: pt12.pct@wipo.int</p>
--	---

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To: SHINSEGI PATENT LAW FIRM 3th Floor, Yoong-jun Bldg., 829-6 Yeoksam-dong, Gangnam-ku Seoul 135-936 Republic of Korea

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing (day/month/year) 18 APRIL 2007 (18.04.2007)	
Applicant's or agent's file reference LBM130-07	FOR FURTHER ACTION See paragraph 2 below
International application No. PCT/KR2007/000206	International filing date (day/month/year) 11 JANUARY 2007 (11.01.2007)
	Priority date(day/month/year) 13 FEBRUARY 2006 (13.02.2006)
International Patent Classification (IPC) or both national classification and IPC <i>B41M 1/00(2006.01)i, G03G 5/00(2006.01)i, C09D 11/00(2006.01)i</i>	
Applicant EXAX INC. et al	

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

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

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

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

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

Name and mailing address of the ISA/KR  Korean Intellectual Property Office 920 Dunsan-dong, Seo-gu, Daejeon 302-701, Republic of Korea Facsimile No. 82-42-472-7140	Date of completion of this opinion 18 APRIL 2007 (18.04.2007)	Authorized officer JANG, Jung Suk Telephone No.017)416-2281 
---	--	--

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/KR2007/000206

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of :
 - the international application in the language in which it was filed
 - a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))
2. This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of:
 - a. type of material
 - a sequence listing
 - table(s) related to the sequence listing
 - b. format of material
 - on paper
 - in electronic form
 - c. time of filing/furnishing
 - contained in the international application as filed.
 - filed together with the international application in electronic form.
 - furnished subsequently to this Authority for the purposes of search.
4. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/KR2007/000206

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	<u>2 - 13, 14 (part), 15, 16, 19, 20</u>	YES
	Claims	<u>1, 14 (part), 17, 18</u>	NO
Inventive step (IS)	Claims	<u>2 - 13, 14 (part), 15, 16, 19, 20</u>	YES
	Claims	<u>1, 14 (part), 17, 18</u>	NO
Industrial applicability (IA)	Claims	<u>1 - 20</u>	YES
	Claims	<u>None</u>	NO

2. Citations and explanations :

1. Reference is made to the following documents:

D1: JP 63-278983 A (Toyota Autom. Loom. Works Ltd.) 16 November 1988
 D2: JP 05-311103 A (Tanaka Anaka Kikinzoku Kogyo KK.) 22 November 1993
 D3: JP 13-207088 A (Matsushita Electric Ind. Co., Ltd.) 31 July 2001

D1 discloses an organometallic ink which can give a pattern formation solution of an increased metal content which is useful for the circuit pattern formation of hybrid IC and retains a viscosity suitable for a liquid crystal injector of an ink jet system. The organometallic ink of D1 was obtained by mixing a metal tertiary carboxylate, e.g. silver neodecanoate, with an organic solvent comprising an aromatic hydrocarbon and an agent for preventing volatilization of a solvent.

D2 discloses a printing ink for silver conductor circuit comprising a resin component, a silver component (preferably metallic silver powder singly dispersed and having 0.1-0.5µm particle diameter), a flux component, and a solvent.

D3 discloses a silver ink which can be used as an electrode material for electronic parts. The silver ink of D3 is obtained by mixing at least one of a solvent, a metallic powder, a ceramic powder, glass powder, an organometallic compound, and a resin with a silver soap.

2. Novelty and Inventive Step

2 - 1. Claim 1

The subject matter of claim 1 relates to a silver organo-sol ink of solution type for forming electrically conductive pattern comprising:

- (A1) silver C0 to C16 aliphatic carboxylate saturated or unsaturated, linear or branched, unsubstituted or substituted with amino, nitro and/or hydroxy group(s) having 1 to 3 carboxyl groups,
- or (A2) silver aromatic carboxylate defined as Formula 1;
- and (B) organic solvent.

The organometallic ink of D1 comprises (A1) a metal tertiary carboxylate, e.g. silver neodecanoate, and (B) an organic solvent (abstract, example 1). The printing ink of D2 (Continued on Supplemental Sheet.)

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/KR2007/000206

Box No. VI Certain documents cited

1. Certain published documents (Rule 43bis.1 and 70.10)

<u>Application No. Patent No.</u>	<u>Publication date (day/month/year)</u>	<u>Filing date (day/month/year)</u>	<u>Priority date (valid claim) (day/month/year)</u>
P, X KR 10-0587402 B1	30 / 05 / 2006	11 / 10 / 2005	
P, X KR 10-0587404 B1	30 / 05 / 2006	02 / 09 / 2005	

Document KR 10-0587402 B1, filed on 11/10/2005, published on 30/05/2006 does not constitute prior art with the meaning of Rule 64.1(b) PCT, but appears to disclose all the features of claims 1-16.

Document KR 10-0587404 B1, filed on 02/09/2005, published on 30/05/2006 does not constitute prior art with the meaning of Rule 64.1(b) PCT, but appears to disclose all the features of claims 1-4, 14, and 17-20.

2. Non-written disclosures (Rule 43bis.1 and 70.9)

<u>Kind of non-written disclosure</u>	<u>Date of non-written disclosure (day/month/year)</u>	<u>Date of written disclosure referring to non-written disclosure (day/month/year)</u>

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/KR2007/000206

Box No. VIII Certain observations on the international application

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

Concerning the constituents of silver organo-sol ink with respect to [20], [25] and [26] of description, claim 1 and claim 17, the scope of carbon numbers in silver aliphatic carboxylate is unclear since aliphatic carboxylate cannot be embodied in case of C0 or C1. [PCT Article 5 and 6]

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/KR2007/000206

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of :

BOX V

contains (A1) metallic silver powder, e.g. silver 2-ethyl hexanoate or silver neodecanoate ([0010]) and (B) an organic solvent like xylene, toluene, and butanol ([0007]). The silver ink of D3 also comprises (A1) silver C2 to C22 aliphatic carboxylate and (B) an organic solvent (claims, [0011]).

As the silver ink comprising (A1) silver aliphatic carboxylate and (B) organic solvent is disclosed in D1 to D3, the silver organo-sol ink of claim 1 of the present invention is anticipated by D1 to D3. Thus the subject matter of claim 1 is neither novel nor inventive under PCT Article 33(2) and (3).

2 - 2. Claims 2 to 13

Claim 2, which is dependent on claim 1, defines (B) organic solvent of claim 1 as (B1) a reactive organic solvent which can form chelate or complex with silver and (B2) polar or nonpolar organic solvent for control of viscosity.

The subject matter of claim 2 differs from the disclosure of D1 to D3 mainly in the organic solvent used in the silver ink. There is no suggestion in any of the documents D1 to D3, either alone or in combination, which would lead to the combination of organic solvent (B1 + B2) as disclosed in claim 2. Also, the organic solvent of claim 2 would not be obvious to a person skilled in the art. Thus the subject matter of claim 2 is considered to be novel and inventive under PCT Article 33(2) and 33(3).

Claims 3 to 13 are dependent on claim 2, and consequently, the subject matter of claims 3 to 13 is also novel and inventive under PCT Article 33(2) and (3).

2 - 3. Claim 14

Claim 14 relates to silver organo-sol ink of solution type according to any one of claim 1 to claim 13, wherein said silver organo-sol ink is used for electrically conductive patterns by inkjet-printing .

D1 discloses a silver ink comprising (A1) silver neodecanoate and (B) an organic solvent which can be used for the circuit pattern formation of hybrid IC and retains a viscosity suitable for a liquid crystal injector of an ink jet system .

As D1 discloses the silver ink comprising (A1) silver aliphatic carboxylate and (B) organic solvent which can be used in ink jet system, the subject matter of claim 14 is anticipated by D1 in case of using silver organo-sol ink of solution type according to claim 1. Thus the subject matter of claim 14, in case of using the silver organo-sol ink of solution type according to claim 1, is neither novel nor inventive. [PCT Article 33(2) and (3)]

However, in case of using the silver organo-sol ink of solution type according to any one of claim 2 to claim 13, none of the prior documents D1 to D3 teaches or fairly suggests the combination of organic solvent B1 and B2 as disclosed in claims 2 to 13.

(Continued on the Next Supplemental Sheet)

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/KR2007/000206

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of :

BOX V.

Also, the organic solvent of claims 2 to claim 13 would not be obvious to a person skilled in the art. Therefore the subject matter of claim 14, in case of using the silver organo-sol ink of solution type according to any one of claim 2 to 13, is novel and inventive under PCT Article 33(2) and (3).

2 - 4 Claims 15 and 16

Claims 15 and 16, which are dependent on claim 14, define the compositional range of (A2) silver aromatic carboxylate. None of the prior documents D1 to D3 discloses (A2) silver aromatic carboxylate. Also, it is not obvious to a person skilled in the art to use the silver aromatic carboxylate (A2) of Formula 1 in an etching solution. Thus the subject matter of claims 15 and 16 is considered to be novel and inventive under PCT Article 33(2) and (3).

2 - 5 Claims 17 and 18

Claims 17 and 18, which are dependent on claim 1, define (A1) silver aliphatic carboxylate as silver C0 to C8 aliphatic carboxylate saturated or unsaturated, linear or branched, unsubstituted or substituted with amino, nitro and/or hydroxy group(s).

D2 discloses the printing ink containing (A1) silver 2-ethyl hexanoate ([0010]) with (B) an organic solvent like xylene, toluene, and butanol ([0007]). The silver ink of D3 also comprises (A1) silver C2 to C22 aliphatic carboxylate and (B) an organic solvent (claims, [0011]).

As the silver ink comprising (A1) silver aliphatic carboxylate and (B) organic solvent is disclosed in both D2 and D3, the silver organo-sol ink of claims 17 and 18 of the present invention is anticipated by both D2 and D3. Thus the subject matter of claims 17 and 18 is neither novel nor inventive under PCT Article 33(2) and (3).

2 - 6 Claims 19-20

Claims 19 and 20, which are dependent on claim 18, define the compositional range of (A1) silver aliphatic carboxylate, (B1) a reactive organic solvent, and (B2) polar or nonpolar organic solvent.

None of the prior documents D1 to D3 discloses the combination of B1 and B2 for the organic solvent. Also, the combination of organic solvents B1 and B2 would not be obvious to a person skilled in the art. Thus the subject matter of claims 19 and 20 is considered to be novel and inventive under PCT Article 33(2) and (3).

3. Industrial Applicability

The subject matter of claims 1 to 20 appears to be industrially applicable under PCT Article 33(4).



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.
12/278,898	08/08/2008	Soon Yeong Heo	SHIN-004	5523
87708	7590	12/07/2010	EXAMINER	
Elizabeth Eunjoo Kim Rauschenbach Patent Law Group, LLP 43 Hackensack Road Chestnut Hill, MA 02467-9998			CHIANG, TIMOTHY S	
			ART UNIT	PAPER NUMBER
			1761	
			NOTIFICATION DATE	DELIVERY MODE
			12/07/2010	ELECTRONIC

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

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

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

ekim@rauschenbach.com
elizabethkim61@gmail.com



UNITED STATES PATENT AND TRADEMARK OFFICE

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

CT

December 6, 2010

In re application of	:	DECISION ON REQUEST TO
Soon Yeong Heo et al	:	PARTICIPATE IN PATENT
Serial No. 12/278,898	:	PROSECUTION HIGHWAY
Filed: August 8, 2008	:	PROGRAM AND
For: SILVER ORGANO-SOL INK FOR	:	PETITION TO MAKE SPECIAL
FORMING ELECTRICALLY	:	UNDER 37 CFR 1.102(a)
CONDUCTIVE PATTERNS	:	

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 September 27, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

Application No. 12/278,898

(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



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.
12/278,960	08/08/2008	Zhihao Hu	LS00004 PCT/US	6193
80782	7590	08/12/2010	EXAMINER	
LS9, Inc. 600 Gateway Boulevard South San Francisco, CA 94080			ART UNIT	PAPER NUMBER
			1797	
			NOTIFICATION DATE	DELIVERY MODE
			08/12/2010	ELECTRONIC

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

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

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

vsong@ls9.com
chgpatent@leydig.com



AUG 12 2010

LS9, Inc.
600 Gateway Boulevard
South San Francisco CA 94080

In re Application of	:	
Zhihao Hu et al.	:	DECISION ON PETITION
Application No. 12/278,960	:	TO MAKE SPECIAL UNDER
Filed: August 08, 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. LS00004 PCT/US	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed February 03, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **GRANTED**.

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

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

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

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

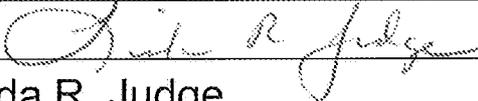
Telephone inquires concerning this decision should be directed to Blaine Copenheaver at 571-272-1156.

The application is being forwarded to the Technology Center Art Unit 1797 for action on the merits commensurate with this decision.

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM		
Attorney Docket Number: LS00009 PCT/US	Application Number (if known): 12/278964	Filing date: 19-Apr-2010
First Named Inventor: DEL CARDARYE, Stephen		
Title: SYSTEMS AND METHODS FOR THE PRODUCTION OF FATTY ESTERS		
<p>APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.</p> <p>This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.</p> <p>1. By filing this petition:</p> <p style="padding-left: 40px;"><u>Applicant is requesting early publication:</u> 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.</p> <p>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.</p> <p>3. This request is accompanied by statements of special status for the eligibility requirement.</p> <p>4. The application contains no more than three (3) independent claims and twenty (20) total claims.</p> <p>5. The application does not contain any multiple dependent claims.</p> <p>6. Other attachments: <u>1) Statements of Special Status for the Eligibility Requirements; 2) Preliminary Amendment</u></p>		

Signature 	Date 29-Dec-2011
Name (Print/Typed) Linda R. Judge	Registration Number 42,702
<p>Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 1.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.</p>	
<input type="checkbox"/> *Total of _____ forms are submitted.	

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/278,964	04/19/2010	Stephen del Cardayre	LS00009 PCT/US	6222
80782	7590	01/09/2012	EXAMINER	
LS9, Inc. 600 Gateway Boulevard South San Francisco, CA 94080			PO, MING CHEUNG	
			ART UNIT	PAPER NUMBER
			1771	
			NOTIFICATION DATE	DELIVERY MODE
			01/09/2012	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):

chgpatent@leydig.com
ljudge@ls9.com



LS9, Inc.
600 Gateway Boulevard
South San Francisco CA 94080

1/9/12

In re Application of	:	
Del Cardayre et al.	:	DECISION ON PETITION
Application No. 12/278,964	:	TO MAKE SPECIAL UNDER
Filed: 4/19/2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. LS00009 PCT/US	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 12/29/2011, 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 1771 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 12/9/2011
TO SPE OF : ART UNIT 1762 *WU David (spe)*
SUBJECT : Request for Certificate of Correction for Appl. No.: 12/278483 Patent No.: 8022113
CofC mailroom date: _____

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Note: _____

Certificates of Correction Branch
571-272-8680 _____

Thank You For Your Assistance

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

Note your decision on the-appropriate box.

Approved

All changes apply.

Approved in Part

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

Denied

State the reasons for denial below.

Comments: _____

David Wu
SPE

1762
Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

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

MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903

MAILED

OCT 05 2011

OFFICE OF PETITIONS

In re Application of :
Jon Seddon :
Application No. 12/279,025 :
Filed: August 11, 2008 :
Attorney Docket No.: 13353.0055USWO :

ON PETITION

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

The petition is not signed by a registered practitioner of record. However, in accordance with 37 CFR 1.34(a), the signature of Gerald T. Shekleton appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts. If Mr. Shekleton desires to receive correspondence regarding this file, the appropriate power of attorney documents must be submitted. A courtesy copy of this decision is being mailed to the petitioner; 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 application was held abandoned for a failure to reply in a timely manner to a non-final Office action mailed September 30, 2010, which set a shortened statutory period for reply of three (3) months. A Notice of Abandonment was subsequently mailed on May 13, 2010. On September 28, 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 delay¹.

The application is being referred to Technology Center AU 3781 for appropriate action by the Examiner in the normal course of business on the reply received September 28, 2011.

¹ 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. While the statement is not made by an attorney or agent of record, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and *Changes to Patent Practice and Procedure*; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

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

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: GERALD T. SHEKLETON
HUSCH BLACKWELL LLP
120 S. RIVERSIDE PLAZA, 22ND FLOOR
CHICAGO, IL 60606



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.
12/279,033	08/11/2008	Yang-Kook Sun	038779/346071	7167
826	7590	01/31/2011	EXAMINER	
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			HAN, KWANG S	
			ART UNIT	PAPER NUMBER
			1727	
			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.



UNITED STATES PATENT AND TRADEMARK OFFICE

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

BC

January 31, 2011

In re application of	:	DECISION ON REQUEST TO
Yang-Kook Sun et al.	:	PARTICIPATE IN PATENT
Serial No. 12/279,033	:	PROSECUTION HIGHWAY
Filed: August 11, 2008	:	PROGRAM AND
For: POSITIVE ACTIVE MATERIAL FOR	:	PETITION TO MAKE SPECIAL
LITHIUM BATTERY, METHOD OF PRE-	:	UNDER 37 CFR 1.102(a).
PARING THE SAME, AND LITHIUM BATTERY:	:	
INCLUDING THE SAME	:	

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 30, 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:

Application No. 12/279,033

- 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; 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/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

IPLA P.A.
3550 WILSHIRE BLVD.
17TH FLOOR
LOS ANGELES CA 90010

Paper No.

MAILED

JUN 06 2011

OFFICE OF PETITIONS

In re Application of :
Jung et al. : DECISION ON PETITION
Application No. 12/279,040 :
Filed: August 11, 2008 :
Attorney Docket No. 2088-129 :

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed May 6, 2011.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to file a reply to the non-final Office action mailed September 9, 2010. This Office action set a shortened statutory period for reply of three (3) months, with extensions of time obtainable under § 1.136(a). No reply considered timely filed and no extension of time considered obtained, the application became abandoned effective December 10, 2010. A courtesy Notice of Abandonment was mailed on March 21, 2011.

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

Technology Center AU 1655 has been advised of this decision. The application is forwarded to the examiner for consideration of the amendment submitted on petition filed May 6, 2011.

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


Nancy Johnson
Senior Petitions Attorney
Office of Petitions



VERENIUM CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
P.O. BOX 910550
SAN DIEGO CA 92191-0550

MAILED
SEP 13 2011
OFFICE OF PETITIONS

In re Application of :
Weiner, et al. :
Application No. 12/279,326 : **DECISION**
Filed: 16 December, 2008 :
Attorney Docket No. D1680-3N ::

This is a decision on the petition filed on 19 August, 2011, for revival of an application abandoned due to unintentional delay pursuant to 37 C.F.R. §1.137(b) .

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

As to Allegation of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement/showing of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c) as to the showing regarding unavoidable delay and a petition pursuant to 37 C.F.R. §1.137(b).

BACKGROUND

Applicant(s) failed to reply timely and properly to the Notice of Allowance/Allowability and Fees Due mailed on 22 March, 2011, with reply due under a non-extendable deadline on or before 22 June, 2011.

The application went abandoned by operation of law after midnight 22 June, 2011.

The Office mailed the Notice of Abandonment on 13 July, 2011.

On 19 August, 2011, Petitioner filed, *inter alia*, a petition (with fee) pursuant to 37 C.F.R. §1.137(b), with a reply in the form of fees due and made the statement of unintentional delay.

Application No. 12/279,326

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

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

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to revive an application if the delay is shown to the satisfaction of the Commissioner to have been “unavoidable.” 35 U.S.C. §133 (1994).² The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

Unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and, by definition, are not intentional.³))

As to Allegations of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

It appears that the requirements under the rule have been satisfied.

CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.137(b) is **granted**.

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

² 35 U.S.C. §133 provides:

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

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

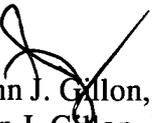
³ Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one’s attention and the mail is not timely deposited for shipment.

Application No. 12/279,326

The instant application is released to the Publications Branch to be processed into a patent in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the Publications Branch in response to this decision. It is noted that all inquiries with regard to status need be directed to the Publications Branch where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2⁴) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).


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

⁴ The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

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



24 SEP 2010

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

GREENBERG TRAURIG LLP (LA)
2450 COLORADO AVENUE, SUITE 400E
INTELLECTUAL PROPERTY DEPARTMENT
SANTA MONICA CA 90404

In re Application of : DECISION ON
LACEY et al :
Application No.: 12/279,341 :
PCT No.: PCT/NZ2007/000034 : PETITION UNDER
Int. Filing Date: 23 February 2007 :
Priority Date: 27 February 2006 :
Attorney's Docket No.: 058157-016500 : 37 CFR 1.47(b) AND
For: APPARATUS FOR, AND METHODS OF, :
COMPACTING A TYRE PART : 37 CFR 1.137(b)

This decision is in response to applicant's "PETITION UNDER 37 CFR 1.47(b) AND THE PETITION UNDER 37 CFR 1.137(b)" submitted on 26 July 2010 that seeks the revival of the above application and the acceptance of the application without the signatures of the joint inventors D'Arcy Shane Lacey and D'Arcy Michael Lacey. Petitioner has been charged the requisite petition fees to the Deposit Account No.: 50-2638.

BACKGROUND

On 13 August 2008, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the requisite basic national fee as required by 35 U.S.C. 371(c)(1). However, no executed declaration or oath was submitted at such time.

On 24 November 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905).

In an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4), applicant filed on 24 February 2009 a executed declaration that appears to have been signed by the attorney of the applicant rather than the joint inventors.

On 18 November 2009, the USPTO mailed a "NOTIFICATION OF DEFECTIVE RESPONSE" (PCT/DO/EO/916) indicating, *inter alia*, that the inventors need to sign the declaration.

On 09 December 2009, applicant resubmitted the executed declaration.

On 06 January 2010, the USPTO erroneously mailed a "NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 C.F.R. 1.495 (Form PCT/DO/EO/903)," indicating that date of receipt of 35 U.S.C. 371 (c)(1), (c)(2), and (c)(4) requirements is 09 December 2009, and a date of completion of all 35 USC 371 requirements of 09 December 2009.

On 25 May 2010, the DO/EO/US mailed a "NOTIFICATION OF ABANDONMENT" (Form PCT/DO/EO/909).

On 26 July 2010, petitioner filed a petition under 37 CFR 1.137(b) and 37 CFR 1.47(b).

DISCUSSION

37 CFR 1.47(b):

A petition under 37 CFR 1.47(b) must be accompanied by (1) the fee under 37 CFR 1.17(h), (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.

Applicant has satisfied items (1), (3) and (6), and but not items (2) and (4) - (5) thus not completing the requirements under 37 CFR 1.47(b).

Applicant has satisfied item (1) since the petition fee of \$200.00 has been charged to petitioner's Deposit Account 50-2638.

Regarding item (2), the statements by Mr. Berman has not sufficiently demonstrated that a copy of the application papers were presented to the non-signing joint inventors because Mr. Berman states that he forwarded the Declaration to K.A. Williams and that Mr. Williams forwarded it to the joint inventors. Mr. Williams then advised him that Messrs D'Arcy Shane Lacey and D'Arcy Michael Lacey have refused to sign the documents. There is no specific statement referring to a copy of the application papers (specification, including claims, drawings, and oath or declaration) as required under MPEP. 409.03(d) being sent to them for their review and their signature from the petitioner. The papers forwarded to them do not appear to include a copy of the complete application papers since only the declaration is mentioned as being sent.

Moreover, Mr. Berman does not have first hand knowledge of the mailings to the nonsigning joint inventors because it appears it was K.A. Williams that sent the documents. If Mr. Berman does not have first hand knowledge, then petitioner needs to submit statements, with specific facts on the actions referred to the mailings of the documents to the nonsigning inventors by person, K.A. Williams, who has first-hand knowledge of such facts.

The current record does not sufficiently establish refusal to join in the patent application because no evidentiary documents have been submitted to show that a *bona fide* attempt was made to deliver the complete application to Messrs D'Arcy Shane Lacey and D'Arcy Michael Lacey and that they refused to sign the required papers.

Regarding item (3), petitioner has stated the last known addresses of the inventors:

D'Arcy Shane Lacey
3 Guthrie Street
Timaru, New Zealand

D'Arcy Michael Lacey
3 King George Place
Timaru, New Zealand

Regarding item (4) a declaration has not been provided executed by an appropriate officer of the company on behalf of the non-signing inventors. Although the declaration appears to be signed by Louis J. Bovasso it is unclear if he has authority to sign on behalf of the applicant. Note MPEP 1820

Regarding item (6) applicant has presented an adequate showing that the granting of this petition is necessary to preserve the rights of the parties or to prevent irreparable damage.

Regarding item (5) applicant has not submitted proof that applicant has sufficient proprietary interest in the application. Louis J. Bovasso's statement is not sufficient without corroborating evidence since there is no copy of the assignment (signed assignment by joint inventors Messrs D'Arcy Shane Lacey and D'Arcy Michael Lacey) provided with this petition. The assignment provided appears to be signed by Louis Bovasso on behalf of the applicant and not by the joint inventors.

If the application has been assigned, a copy of the assignment must be submitted. The assignment must clearly indicate that the invention described in the 37 CFR 1.47(b) application was assigned to the 37 CFR 1.47(b) applicant prior to the date the application is deposited in the Patent and Trademark Office.

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 affidavit or declaration that 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 the affidavit or declaration 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.

If the invention has not been assigned, or if there is no written agreement to assign, the 37 CFR 1.47(b) applicant must demonstrate that he or she otherwise has a sufficient proprietary interest in the matter.

A proprietary interest obtained otherwise than by assignment or agreement to assign may be demonstrated by an appropriate legal memorandum to the effect that a court of competent jurisdiction (federal, state, or foreign) would by the weight of authority in that jurisdiction award title of the invention to the 37 CFR 1.47(b) applicant. The facts in support of any conclusion that a court would award title to the 37 CFR 1.47(b) applicant should be made of record by way of an affidavit or declaration of the person having firsthand knowledge of same. The legal memorandum should be prepared and signed by an attorney at law familiar with the law of the jurisdiction involved. A copy (in the English language) of a statute (if other than the United States statute) or a court decision (if other than a reported decision of a federal court or a decision reported in the United States Patents Quarterly) relied on to demonstrate a proprietary interest should be made of record. Note MPEP 409.03(f)

Accordingly, it is not appropriate to accord the national stage application status under 37 CFR 1.47(b) at this time.

CONCLUSION

The petition under 37 CFR 1.47(b) is **DISMISSED** without prejudice.

37 CFR 1.137(b):

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.

Applicants have satisfied requirements (2), (3), and (4) under 37 CFR 1.137(b) but not requirement (1).

Applicants have not provided: (1) the proper reply that is a properly executed declaration as discussed above.

Applicants have provided: (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 not 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 **DISMISSED** without prejudice.

The Notification of Acceptance (Form PCT/DO/EO/903) mailed on 06 January 2010 is **VACATED** with the mailing of this decision.

If reconsideration of the merits of the petition under 37 CFR 1.47(a) and 37 CFR 1.137(b) are desired, applicant must file a request for reconsideration 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) and 37 CFR 1.137(b)." Extensions of time are available under 37 CFR 1.136(a).

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


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



UNITED STATES PATENT and TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

MAILED

APR 29 2011

PCT LEGAL ADMINISTRATION

GREENBERG TRAURIG LLP (LA)
2450 COLORADO AVENUE, SUITE 400E
INTELLECTUAL PROPERTY DEPARTMENT
SANTA MONICA CA 90404

In re Application of	:	DECISION ON RENEWED
LACEY et al	:	
Application No.: 12/279,341	:	
PCT No.: PCT/NZ2007/000034	:	PETITION UNDER
Int. Filing Date: 23 February 2007	:	
Priority Date: 27 February 2006	:	
Attorney's Docket No.: 058157-016500	:	37 CFR 1.47(b) AND
For: APPARATUS FOR, AND METHODS OF,	:	
COMPACTING A TYRE PART	:	37 CFR 1.137(b)

This decision is in response to applicants' "SUPPLEMENTAL RENEWED PETITION UNDER 37 CFR 1.47(a) AND 37 CFR 1.137(b)," submitted on 22 March 2011, which is being treated as a petition under 37 CFR 1.47(b) and 37 CFR 1.137(b) that co-inventors D'Archy Shane Lacey and D'Archy Michael Lacey have now executed the declaration.

BACKGROUND

In a decision from this Office on 24 September 2010, the petition filed under 37 CFR 1.47(b) on 26 July 2010 was dismissed. The decision indicated that items (2), (4) - (5) were not met.

On 22 March 2011, applicant submitted a "Supplemental Renewed Petition Pursuant 37 CFR 1.47(b) and a petition under 37 CFR 1.137(b)" accompanied by an executed declaration from co-inventors Shane Lacey and Michael Lacey.

37 CFR 1.47(b):

DISCUSSION

The supplemental renewed petition states that the co-inventors executed and returned the signed declaration and is enclosed with the current petition. Thus, the declaration is now executed by the non-signing co-inventors.

Accordingly, the declaration submitted on 22 March 2011 complies with 37 CFR 1.497(a) and (b).

CONCLUSION

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

37 CFR 1.137(b):

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.

The petition is deemed to satisfies all the items under 37 CFR 1.137(b).

Petitioner has provided: (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. However, Petitioner has met requirement (1) because the reply is proper because applicant has submitted a properly executed declaration.

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

CONCLUSION

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

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 consistent with this decision. The 35 USC 371(c)(1),(c)(2), and (c)(4) date of this application is **22 March 2011**.



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



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.
12/279,364	08/14/2008	David Slack	SEVR273STWP-PCT-US	1730
37334	7590	02/18/2011	EXAMINER	
D'AMBROSIO & MENON, LLP			HIJAZ, OMAR F	
10260 WESTHEIMER			ART UNIT	PAPER NUMBER
SUITE 465			3633	
HOUSTON, TX 77042			MAIL DATE	DELIVERY MODE
			02/18/2011	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.



UNITED STATES PATENT AND TRADEMARK OFFICE

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

FEB 18 2011

D'AMBROSIO & MENON, LLP
10260 WESTHEIMER
SUITE 465
HOUSTON TX 77042

In re application of Slack et al. : **DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)**
Application No. 12/279,364
Filed: August 14, 2008
For: SYSTEM METHOD FOR INTERLOCKING SUPPORT BLOCKS

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed December 13, 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 UKIPO, USPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the UKIPO application(s);
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the UKIPO 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 UKIPO application(s) containing the allowable/patentable claim(s);
- (6) Applicant must submit an IDS listing the documents cited by the UKIPO examiner in the UKIPO Office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the preliminary amendment filed December 13, 2010. The request to participate in the PPH pilot program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

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

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

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

 / Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

BM/BM: 2/17/11

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : December 5, 2010

TO SPE OF : ART UNIT 2855

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/279403.-: 7798704

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Magdalene Talley

**Certificates of Correction Branch
(571)272-0XXX**

Thank You For Your Assistance

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

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

Specify below which changes do not apply.

Denied

State the reasons for denial below.

Comments: I am assuming that they just
went the last limitation on the next line.

SPE Ligato

Art Unit 2855



UNITED STATES PATENT AND TRADEMARK OFFICE

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

**DR. MARK M. FRIEDMAN
MOSHE AVIV TOWER, 54TH FLOOR, 7 JABOTINSKY ST.
RAMAT GAN 52520 IL ISRAEL**

MAILED

JUL 22 2011

OFFICE OF PETITIONS

In re Application of :
Gal Goldner :
Application No. 12/279,421 : **DECISION ON PETITION**
Filed: August 14, 2008 :
Attorney Docket No. 4991/1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 5, 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 18, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 19, 2010. A Notice of Abandonment was mailed March 14, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee of \$810.00, and (3) a proper statement of unintentional delay.

Further, it is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must notify the Office.

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

This application is being referred to Technology Center AU 3673 for appropriate action by the Examiner in the normal course of business on the reply received.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

Doc Code: PET.AUTO		PTO/SB/83
Document Description: Petition automatically granted by EFS-Web		U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	12279465	
Filing Date	14-Jan-2009	
First Named Inventor	Richard Ashman	
Art Unit	4189	
Examiner Name	KATHRYN CHANG	
Attorney Docket Number	102847-102	
Title	Shape Memory Implant Heating Device	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		27267 _____
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 address of the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, associated with Customer Number:		27267 _____
I am authorized to sign on behalf of myself and all withdrawing practitioners.		
Signature	/Anthony P. Gangemi/	
Name	Anthony P. Gangemi	
Registration Number	42565	



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : May 20,2011

In re Application of :

Richard Ashman

Application No : 12279465

Filed : 14-Jan-2009

Attorney Docket No : 102847-102

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

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

The request is **APPROVED**

The request was signed by Anthony P. Gangemi (registration no. 42565) on behalf of all attorneys/agents associated with Customer Number 27267 . All attorneys/agents associated with Customer Number 27267 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with Customer number 27267 .

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

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

Office of Petitions



United States Patent and Trademark Office

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

MAILED

MAR 07 2011

PCT LEGAL ADMINISTRATION

Howard & Howard Attorneys PLLC
450 West Fourth Street
Royal Oak, MI 48067-2557

In re Application of	:	
Stockschlager et al.	:	
Application No.: 12/279,496	:	DECISION
PCT No.: PCT/IB2007/000391	:	
Int. Filing Date: 16 February 2007	:	ON
Priority Date: 17 February 2006	:	
Attorney Docket No.: 85939.000842; 065517.00010	:	PETITION
For: Vehicle Opening Device	:	

This is in response to the petitions under 37 CFR 1.181 and 37 CFR 1.47(a) filed on 30 December 2010.

DISCUSSION

Petition Under 37 CFR 1.181

Petitioner requests withdrawal of the holding of abandonment, on the basis of alleged non-receipt of the Decision mailed on 15 December 2009. As explained in MPEP 711.03(c), and following *Delgar v. Schuyler*, 172 USPQ 513 (D.D.C. 1971), an adequate showing of non-receipt of papers mailed to applicant by the Office must include (1) a statement by the practitioner that the Office action was not received by the practitioner; (2) a statement attesting that a search of the file jacket and docket records indicates that the Office action was not received; and (3) a copy of the docket record where the non-received Office action would have been entered had it been received (the docket records must also be referenced in petitioner's statement).

Petitioner states that "this second Decision was never received by the Attorney for the Applicant and has only recently come to our attention." This statement satisfies requirement (1).

Petitioner further states that "a thorough search has been performed on the file jacket for the above referenced patent application and the docket records for a six-month period from the mail date of the nonreceived Office Action," and that the Decision in question "was not found in our file jacket." This satisfies requirement (2).

With respect to requirement (3), petitioner has furnished docket records which counsel describes as "showing all items received from the U.S. Patent and Trademark Office for at least one month before and after the mail date of the nonreceived second Decision." As such, the provided docket records appear to be, in essence, an incoming mail log. However, the required records are those docket records showing where the application would have been docketed for response had the Decision been received. Specifically, the required records would be "tickler sheets" or other records showing all cases with responses due on or around 15 February 2010. In the absence of such records, it would not be appropriate to grant the requested relief at this time.

Petition Under 37 CFR 1.47(a)

In view of the abandoned status of this application, it would not be appropriate to address the merits of the renewed petition under 37 CFR 1.47(a) at this time.

DECISION

The petition under 37 CFR 1.181 is **DISMISSED**, without prejudice.

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. 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.

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



MAILED

DEC 14 2011

PCT LEGAL ADMINISTRATION

Stephen B. Salai, Esq.
Harter Secrest & Emery LLP
1600 Bausch & Lomb Place
Rochester NY 14604-2711

In re Application of	:	
Stockschlager et al.	:	
Application No.: 12/279,496	:	DECISION
PCT No.: PCT/IB2007/000391	:	
Int. Filing Date: 16 February 2007	:	ON
Priority Date: 17 February 2006	:	
Attorney Docket No.: 85939.000842; 065517.00010	:	PETITION
For: Vehicle Opening Device	:	

This is in response to the petitions under 37 CFR 1.137(b) and 37 CFR 1.47(a) filed on 09 May 2011.

DISCUSSION

Petition Under 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed on 09 May 2011 in the above-captioned application is hereby **GRANTED** as follows:

Petitioner states that "The entire delay in filing the required reply from the due date for the reply until the filing of this Petition was unintentional." This is being construed as a 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 C.F.R. 1.137(b) was unintentional." Said statement is being accepted in satisfaction of 37 CFR 1.137(b)(3) but, in the event that this interpretation is not accurate, counsel is required to notify this Office promptly.

A review of the application file reveals that applicant has paid the petition fee. The required reply has been filed. No terminal disclaimer is required. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the national stage in the United States of America.

Renewed Petition Under 37 CFR 1.47(a)

In a Decision mailed on 15 December 2009, the petition filed on 30 October 2009 was treated under 37 CFR 1.47(a) and dismissed, without prejudice, because requirement (2) had not been satisfied.

In response, applicants have provided a "Declaration by Samuel J. Haidle..." which describes his mailing of correspondence (including copies of the application and declaration forms) to inventors Hanndorf and Heller on 13 August 2009. In view of this statement, it is now sufficiently clear that the declaration documents were directed toward the instant application. Consequently, all of the requirements for relief under 37 CFR 1.47(a) now have been satisfied.

DECISION

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

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

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to each 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 Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **30 October 2009**.

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

**FISH & RICHARDSON P.C. (SV)
PO BOX 1022
MINNEAPOLIS MN 55440-1022**

MAILED

JUN 08 2011

OFFICE OF PETITIONS

In re Application of	:	
BUSARI	:	
Application No. 12/279,532	:	DECISION ON PETITION
Filed: November 3, 2008	:	TO WITHDRAW
Attorney Docket No. 23415-0003US1	:	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 26, 2011.

The request is **APPROVED**.

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

The request was signed by Kirk A. Gottieb on behalf of the attorneys of record associated with Customer Number 26181.

The attorneys of record associated with Customer Number 26181 have been withdrawn.

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

The correspondence address for future communications from the Office has been changed and the new correspondence address is the address indicated below.

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: JAY BUSARI
2ND FLOOR, BUILDING 174
SILOM ROAD, BANG RAK
BANGKOK 10500, TH



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
12/279,532	11/03/2008	Jay Busari	23415-0003US1

CONFIRMATION NO. 1986

POWER OF ATTORNEY NOTICE

26181
FISH & RICHARDSON P.C. (SV)
PO BOX 1022
MINNEAPOLIS, MN 55440-1022



Date Mailed: 06/03/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/26/2011.

- 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



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.
12/279,561	08/15/2008	Yuichiro Nakajima	09227.0040-00000	2297
22852	7590	04/27/2011	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			MOYER, DALE S	
			ART UNIT	PAPER NUMBER
			3664	
			MAIL DATE	DELIVERY MODE
			04/27/2011	PAPER

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

APR 27 2011

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

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

In re application of
Nakajima et al.
Application No. 12/279,561
Filed: August 15, 2008
For: MOVABLE ROBOT

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed April 08, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

In light of the preliminary amendment filed April 8, 2011. 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

MB/MB: 04/26/11



UNITED STATES PATENT and TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1122B
4417 LANCASTER PIKE
WILMINGTON DE 19805

MAILED
JUN 17 2011

In re Application of : DECISION ON PCT LEGAL ADMINISTRATION
FELDER et al :
Application No.: 12/279,591 :
PCT No.: PCT/US2007/09575 : PETITION UNDER
Int. Filing Date: 19 April 2007 :
Priority Date: 20 April 2006 : 37 CFR 1.137(b)
Attorney's Docket No.: PR0094USPCT :
For: DONOR ELEMENT WITH.. :
THERMAL TRANSFER :

This decision is in response to applicants' "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," filed on 13 April 2011.

BACKGROUND

On 19 April 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 1.494 was 20 October 2008.

On 15 October 2008, applicants filed the instant petition under 37 CFR 1.137(b) and Transmittal letter for entry into the national stage in the United States, which was accompanied by, basic national fee. No executed declaration or oath was filed at such time.

On 14 April 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 the oath or declaration complying with 37 CFR 1.497(a) and (b)...The declaration filed on 15 August 2008 is not in compliance with 37 CFR 1.497(a) & (b), as the declaration is a composition declaration. Applicant submitted 2 pages of 2; please submit a full oath set. The notice indicated that the items must be submitted within two months from date of mailing or by 32 months from the priority date of the application, in order to avoid abandonment of the national stage application.

On 15 February 2011, the United States Patent and Trademark Office mailed the Notification of Abandonment (PCT/DO/EO/909) since the applicant has failed to respond to the Notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed 04/14/2010 within the time period set therein.

On 13 April 2011, applicants filed the instant petition under 37 CFR 1.137(b), which was accompanied by the petition fee and an executed declaration.

DISCUSSION

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

Petitioner has not provided: (1) the proper reply by submitting an executed declaration, (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 all the items under 37 CFR 1.137(b).

DECISION

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

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing. The 35 USC 371(c)(1),(c)(2), and (c)(4) date of this application is **13 April 2011**.



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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 1/27/2012
TO SPE OF : ART UNIT 2624 Meheta Bhavesh (SR)
SUBJECT : Request for Certificate of Correction for Appl. No.: 12/279619 Patent No.: 8055021
CofC mailroom date: 1/9/2012

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Note: _____



Certificates of Correction Branch
571-272-8680 _____

Thank You For Your Assistance

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

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

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

Denied

State the reasons for denial below.

Comments: _____

/Jason M. Repko/

2624

SPE

Art Unit

S/N 12/279,649

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Joshi et al.	Examiner:	Unknown
Serial No.:	12/279,649	Group Art Unit:	Unknown
Filed:	August 15, 2008	Docket:	1842.235US1
Customer No.:	70648	Confirmation No.:	3110
Title:	GAME SELECTION IN A WAGERING GAME MACHINE		

PETITION TO MAKE SPECIAL UNDER 37 CFR § 1.102(d)

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

Applicants hereby petition the Commissioner to advance the above-identified Application out of turn for accelerated examination under the provisions of 37 C.F.R. § 1.102(d). The basis under which special status is sought is the express abandonment of copending application serial no. 12/527,751 under the Patent Application Backlog Reduction Stimulus Plan.¹ In support of the Petition to Make Special, Applicants make the following statements:

1. The application for which special status is sought has an actual filing date before October 1, 2009, based on a National Stage Filing of International Patent Application Serial No. PCT/US2007/004106 filed on February 15, 2007.
2. A copy of the Letter of Express Abandonment of application 12/527,751, including statements accompanying the express abandonment is submitted herewith.
3. The application 12/279,649 that is the subject of this Petition to Make Special and application 12/527,751 that has been expressly abandoned are both commonly owned and assigned to WMS Gaming Inc.
4. Applicants certify that they have not filed petitions in more than fourteen other applications requesting special status under the Patent Application Backlog Reduction Stimulus Plan.

¹ See 75 Fed. Reg. 71072 and 75 Fed Reg. 36063.

5. Applicants agree to make an election without traverse in a telephonic interview if the United States Patent and Trademark Office determines that the claims of application 12/279,649 are directed to two or more independent and distinct inventions.

6. Applicants understand that the petition fee set forth in 37 C.F.R. § 1.17(h), which is normally required pursuant to 37 C.F.R. § 1.102(d) has been waived by the United States Patent and Trademark Office. However, if any fees are necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. Box 2938
Minneapolis, MN 55402-0938
(612) 373-6900

Date February 4, 2011

By



Rodney L. Lacy
Reg. No. 41,136



SCHWEGMAN, LUNDBERG & WOESSNER/WMS GAMING
P.O. BOX 2938
MINNEAPOLIS MN 55402

MAILED
FEB 17 2011
OFFICE OF PETITIONS

In re Application of	:	
JOSHI, et al.	:	DECISION ON PETITION
Application No. 12/279,649	:	TO MAKE SPECIAL
35 U.S.C. 371 Date: July 26, 2010	:	37 CFR 1.102
Int. Appl. No.: PCT/US2007/04106	:	
Int. File Date: February 15, 2007	:	
Attorney Docket No. 1842.235US1	:	

This is a decision on the petition under 37 CFR 1.102, filed February 4, 2011, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009) and 75 Federal register Notice 36063 (June 24, 2010).

The petition is **GRANTED**.

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

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

- (1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009;
- (2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;
- (3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;
- (4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and
 - a) includes a statement that the applicant has not and will not file a new application that claims the same invention claimed in the expressly abandoned application;

- b) includes a statement that the applicant has not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United States Code, and
 - c) includes a statement that the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and
- (5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought that
- a) includes a specific identification of the relationship between the applications that qualifies the application for special status;
 - b) identifies, by application number if available, the application that is being expressly abandoned;
 - c) provides a statement certifying that applicant has not filed petitions in more than fourteen (14) other applications requesting special status under this program; and
 - d) provides a statement that applicant agrees to make an election without traverse in a telephonic interview if the Office determines that the claims of the application to be made special are directed to two or more independent and distinct inventions.

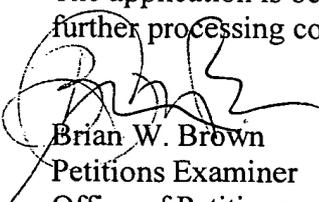
The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

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

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

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

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


Brian W. Brown
Petitions Examiner
Office of Petitions

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	1	"3826828".pn.	US-PGPUB; USPAT; JPO	OR	ON	2009/06/15 11:38
S2	1	"5529189".pn.	US-PGPUB; USPAT; JPO	OR	ON	2009/06/15 11:39
S3	1	"4954239".pn.	US-PGPUB; USPAT; JPO	OR	ON	2009/06/15 11:39
S4	1	"1088565".pn.	EPO	OR	ON	2009/06/15 12:44
S5	6	"1088565".pn.	EPO; DERWENT	OR	ON	2009/06/15 12:47
S6	1618	206/363	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2009/06/15 17:40
S7	3734	604/187	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2009/06/16 10:48
S8	1619	206/363	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2009/06/16 10:57
S9	3734	604/187	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2009/06/16 10:59
S10	1619	206/363	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2009/06/16 11:13
S11	1097	206/365	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2009/06/16 11:27
S12	20	("2372469" "2720969" "3316909" "3545607" "3642123" "3746155" "3826261" "3869062" "3921633" "3978858").PN. OR ("4184593").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2009/06/16 12:01
S13	14	"4758234"	USPAT	OR	ON	2009/12/28 15:00
S14	3	"4758234"	US-PGPUB	OR	ON	2009/12/28 15:00
S15	0	"4758234".pn.	US-PGPUB	OR	ON	2009/12/28 15:02

S16	1	"4758234".pn.	USPAT	OR	ON	2009/12/28 15:02
S17	1	"4758234".pn.	USPAT	OR	ON	2009/12/28 15:08
S18	0	polidimetilsyloxane	USPAT	OR	ON	2009/12/28 16:04
S19	0	polydimetilsyloxane	USPAT	OR	ON	2009/12/28 16:05
S20	0	polydimetilsyloxane	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT	OR	ON	2009/12/28 16:05
S21	0	polydimetilsyloxane	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2009/12/28 16:07
S22	341267	"424"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2009/12/28 16:07
S23	0	S21 and S22	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2009/12/28 16:07
S24	0	polydimetilsyloxane	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT	OR	ON	2009/12/28 16:07
S25	1	polidimetilsyloxane	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT	OR	ON	2009/12/28 16:07
S26	0	S22 and S25	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT	OR	ON	2009/12/28 16:08
S27	19	"4758234"	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT	OR	ON	2009/12/28 16:09
S28	432528	"604"	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT	OR	ON	2009/12/28 16:09
S29	0	S25 and S28	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT	OR	ON	2009/12/28 16:10
S30	992660	"206"	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT	OR	ON	2009/12/28 16:10

S31	0	S25 and S30	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT	OR	ON	2009/12/28 16:10
S32	0	polidimetilsyloxane	DERWENT	OR	ON	2009/12/28 16:10
S33	0	polidimetilsyloxane	JPO	OR	ON	2009/12/28 16:10
S34	0	polidimetilsyloxane	EPO	OR	ON	2009/12/28 16:11
S35	0	polidimetilsyloxane	FPRS	OR	ON	2009/12/28 16:11
S36	0	polidimetilsyloxane	USOCR	OR	ON	2009/12/28 16:11
S37	1	polidimetilsyloxane	US-PGPUB	OR	ON	2009/12/28 16:11
S38	0	("2009/0157008").URPN.	USPAT	OR	ON	2009/12/28 16:11
S39	0	EP1088565A1	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT	OR	ON	2009/12/28 16:14
S40	0	EP1088565	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT	OR	ON	2009/12/28 16:14
S41	1	1088565A1	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT	OR	ON	2009/12/28 16:14
S42	0	polydimetilsyloxane	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT	OR	ON	2009/12/28 16:16
S43	36986	rheological	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT	OR	ON	2009/12/28 16:22
S44	0	S42 and S43	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT	OR	ON	2009/12/28 16:22
S45	23676	organosilicon	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT	OR	ON	2009/12/28 16:22
S46	852	S45 and "424"	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT	OR	ON	2009/12/28 16:23
S47	44072	Polydimethylsiloxane	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT	OR	ON	2009/12/28 16:25

S48	432528	"604"	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT	OR	ON	2009/12/28 16:25
S49	2709	S47 and S48	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT	OR	ON	2009/12/28 16:25
S50	340584	"424"	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT	OR	ON	2009/12/28 16:26
S51	393123	S47 adn S50	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT	OR	ON	2009/12/28 16:26
S52	992660	"206"	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT	OR	ON	2009/12/28 16:27
S53	4916	S47 and S52	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT	OR	ON	2009/12/28 16:27
S54	7	silicone adj gel adj Polydimethylsiloxane	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT	OR	ON	2009/12/28 16:28
S55	0	S52 and S54	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT	OR	ON	2009/12/28 16:30
S56	0	S50 and S54	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT	OR	ON	2009/12/28 16:30
S57	0	S48 and S54	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT	OR	ON	2009/12/28 16:31
S58	2	"6746430".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT	OR	ON	2009/12/28 16:43
S59	19	("4197333" "4806430" "5061252" "5338312" "5356948" "5445771" "5456679" "5456940" "5533993" "5607400" "5667840" "5736251" "5755894" "5807605" "6004300" "6042765" "6046141" "6200627" "6589641").PN. OR ("6746430"). URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2009/12/28 16:44

S60	0	6736739b2.pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT	OR	ON	2009/12/28 17:16
S61	2	"6736739".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT	OR	ON	2009/12/28 17:16
S62	0	"6736739B2"	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT	OR	ON	2009/12/28 17:16
S63	0	"6736739 B2"	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT	OR	ON	2009/12/28 17:17
S64	0	"6736739B2"	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT	OR	ON	2009/12/28 17:17
S65	0	"6736739B2"	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT	OR	ON	2009/12/28 17:18
S66	0	"6736739B2"	US-PGPUB	OR	ON	2009/12/28 17:18
S67	12	((MICHEL) near2 (CADIO)).INV.	US-PGPUB; USPAT; USOCR	OR	ON	2009/12/29 10:31
S68	1	"4758234".pn.	USPAT	OR	ON	2010/01/25 16:24
S69	0	"6746430 B2".pn.	USPAT	OR	ON	2010/01/25 16:35
S70	0	"6746430B2".pn.	USPAT	OR	ON	2010/01/25 16:35
S71	0	"6746430B2".pn.	USPAT; DERWENT	OR	ON	2010/01/25 16:35
S72	2	"6746430".pn.	USPAT; DERWENT	OR	ON	2010/01/25 16:35
S73	0	hermetically adj seal	USPAT; DERWENT	OR	ON	2010/01/25 16:43
S74	9267	hermetically adj seal	USPAT; DERWENT	OR	ON	2010/01/25 16:43
S75	482	206/571	USPAT; DERWENT	OR	ON	2010/01/25 16:43
S76	3	S74 and S75	USPAT; DERWENT	OR	ON	2010/01/25 16:44
S77	28	hermetically adj cap	USPAT; DERWENT	OR	ON	2010/01/25 16:51
S78	43	hermetically adj seal adj cap	USPAT; DERWENT	OR	ON	2010/01/25 16:52
S79	0	S75 and S78	USPAT; DERWENT	OR	ON	2010/01/25 16:52

S80	76815	"206"/\$.cls.	USPAT; DERWENT	OR	ON	2010/01/25 16:52
S81	0	S78 and S80	USPAT; DERWENT	OR	ON	2010/01/25 16:53
S82	353	hermetical\$ adj seal\$2 adj cap\$3	USPAT; DERWENT	OR	ON	2010/01/25 16:53
S83	353	S82 and I13	USPAT; DERWENT	OR	ON	2010/01/25 16:53
S84	353	S82 and I14	USPAT; DERWENT	OR	ON	2010/01/25 16:54
S85	2	S82 and S80	USPAT; DERWENT	OR	ON	2010/01/25 16:54
S86	43	hermetical\$1 adj seal\$1 adj cap \$1	USPAT; DERWENT	OR	ON	2010/01/25 16:55
S87	95	hermetical\$1 adj seal\$1 adj cap \$1	US-PGPUB; USPAT; USOCR; JPO; DERWENT	OR	ON	2010/01/25 16:55
S88	2283	206/223	US-PGPUB; USPAT; USOCR; JPO; DERWENT	OR	ON	2010/01/25 16:55
S89	0	S87 and S88	US-PGPUB; USPAT; USOCR; JPO; DERWENT	OR	ON	2010/01/25 16:55
S90	0	S78 and S88	US-PGPUB; USPAT; USOCR; JPO; DERWENT	OR	ON	2010/01/25 16:56
S91	95	hermetical\$1 adj seal\$1 adj cap	US-PGPUB; USPAT; USOCR; JPO; DERWENT	OR	ON	2010/01/25 16:57
S92	0	S87 and S80	US-PGPUB; USPAT; USOCR; JPO; DERWENT	OR	ON	2010/01/25 16:58
S93	174520	"424"/\$.cls.	US-PGPUB; USPAT; USOCR; JPO; DERWENT	OR	ON	2010/01/25 17:00
S94	0	S78 and S93	US-PGPUB; USPAT; USOCR; JPO; DERWENT	OR	ON	2010/01/25 17:00
S95	1	S77 and S93	US-PGPUB; USPAT; USOCR; JPO; DERWENT	OR	ON	2010/01/25 17:02
S96	390	hermetically adj seal\$3 adj cap	USPAT; DERWENT	OR	ON	2010/01/25 17:04
S97	690	hermetically adj seal\$3 adj cap	US-PGPUB; USPAT; USOCR; EPO; DERWENT	OR	ON	2010/01/25 17:05
S98	546	206/571	US-PGPUB; USPAT; USOCR; EPO; DERWENT	OR	ON	2010/01/25 17:05
S99	0	S97 and S98	US-PGPUB; USPAT; USOCR; EPO; DERWENT	OR	ON	2010/01/25 17:05

S100	140401	("3545607" "3826828" "3869062" "3923152" "3826828" "4184593" "4954239" "5529189" "5529189").PN"	US-PGPUB; USPAT; USOCR; EPO; DERWENT	OR	ON	2010/01/25 17:06
S101	25	("3545607" "3826828" "3869062" "3923152" "3826828" "4184593" "4954239" "5529189" "5529189").PN.	US-PGPUB; USPAT; USOCR; EPO; DERWENT	OR	ON	2010/01/25 17:07
S102	2	"4758234".pn.	US-PGPUB; USPAT; USOCR; EPO; DERWENT	OR	ON	2010/01/25 21:36
S103	2	"5529189".pn.	US-PGPUB; USPAT; USOCR; EPO; DERWENT	OR	ON	2010/01/25 21:54
S104	46	("1234582" "1279069" "1589882" "2642868" "2671450" "2831483" "2939459" "3089491" "3749084" "3911916" "4067333" "4300569" "4313440" "4364376" "4372294" "4453934" "4471765" "4581015" "4643721" "4735311" "4796790" "4874601" "4954239" "5002538" "5021220" "5024231" "5117981").PN. OR ("5529189"). URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2010/01/25 21:54
S105	7047	luer adj lock	US-PGPUB; USPAT; USOCR	OR	ON	2010/01/25 21:57
S106	546	206/571	US-PGPUB; USPAT; USOCR	OR	ON	2010/01/25 21:58
S107	18	S105 and S106	US-PGPUB; USPAT; USOCR	OR	ON	2010/01/25 21:58
S108	0	"529189".pn.	US-PGPUB; USPAT; USOCR	OR	ON	2010/01/26 11:54
S109	1	"5529189".pn.	US-PGPUB; USPAT; USOCR	OR	ON	2010/01/26 11:55
S110	46	("1234582" "1279069" "1589882" "2642868" "2671450" "2831483" "2939459" "3089491" "3749084" "3911916" "4067333" "4300569" "4313440" "4364376" "4372294" "4453934" "4471765" "4581015" "4643721" "4735311" "4796790" "4874601" "4954239" "5002538" "5021220" "5024231" "5117981").PN. OR ("5529189"). URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2010/01/26 11:55

S111	101	("1234582" "1279069" "1589882" "2642868" "2671450" "2831483" "2939459" "3089491" "3749084" "3911916" "4067333" "4300569" "4313440" "4364376" "4372294" "4453934" "4471765" "4581015" "4643721" "4735311" "4796790" "4874601" "4954239" "5002538" "5021220" "5024231" "5117981").PN. OR ("5529189"). URPN.	US-PGPUB; USPAT; USOCR; DERWENT	OR	ON	2010/01/26 11:55
S112	0	silicone adj luer-lock	US-PGPUB; USPAT; USOCR; DERWENT	OR	ON	2010/01/26 12:06
S113	0	silicone adj luerlock	US-PGPUB; USPAT; USOCR; DERWENT	OR	ON	2010/01/26 12:06
S114	0	silicone adj luer adj lock	US-PGPUB; USPAT; USOCR; DERWENT	OR	ON	2010/01/26 12:06
S115	453	stereotaxy	US-PGPUB; USPAT; USOCR; DERWENT	OR	ON	2010/01/26 12:07
S116	1729	luer-lock	US-PGPUB; USPAT; USOCR; DERWENT	OR	ON	2010/01/26 12:07
S117	1328	206/570	US-PGPUB; USPAT; USOCR; DERWENT	OR	ON	2010/01/26 12:08
S118	0	S116 and S117	US-PGPUB; USPAT; USOCR; DERWENT	OR	ON	2010/01/26 12:08
S119	546	206/571	US-PGPUB; USPAT; USOCR; DERWENT	OR	ON	2010/01/26 12:08
S120	2	S116 and S119	US-PGPUB; USPAT; USOCR; DERWENT	OR	ON	2010/01/26 12:08
S121	0	silicone adj polydimethylsiloxane	US-PGPUB; USPAT; USOCR; DERWENT	OR	ON	2010/01/26 12:12
S122	1	polydimethylsiloxane	US-PGPUB; USPAT; USOCR; DERWENT	OR	ON	2010/01/26 12:13
S123	3	pre-filled adj silicon	US-PGPUB; USPAT; USOCR; DERWENT	OR	ON	2010/01/26 13:31
S124	546	206/571	US-PGPUB; USPAT; USOCR; DERWENT	OR	ON	2010/01/26 13:31

S125	0	S123 and S124	US-PGPUB; USPAT; USOCR; DERWENT	OR	ON	2010/01/26 13:31
S126	126727	"206"/\$.ccls.	US-PGPUB; USPAT; USOCR; DERWENT	OR	ON	2010/01/26 13:32
S127	0	S123 and S126	US-PGPUB; USPAT; USOCR; DERWENT	OR	ON	2010/01/26 13:32
S128	168472	"424"/\$.ccls.	US-PGPUB; USPAT; USOCR; DERWENT	OR	ON	2010/01/26 13:32
S129	0	S123 and S128	US-PGPUB; USPAT; USOCR; DERWENT	OR	ON	2010/01/26 13:33
S130	0	prefilled adj silicon	US-PGPUB; USPAT; USOCR; DERWENT	OR	ON	2010/01/26 13:33
S131	3	pre-filled adj silicon	US-PGPUB; USPAT; USOCR; DERWENT	OR	ON	2010/01/26 13:33
S132	87529	"604"/\$.ccls.	US-PGPUB; USPAT; USOCR; DERWENT	OR	ON	2010/01/26 13:33
S133	1	S131 and S132	US-PGPUB; USPAT; USOCR; DERWENT	OR	ON	2010/01/26 13:34
S134	0	luer-lock near silicon	US-PGPUB; USPAT; USOCR; DERWENT	OR	ON	2010/01/26 13:37
S135	211	luer-lock and silicon	US-PGPUB; USPAT; USOCR; DERWENT	OR	ON	2010/01/26 13:37
S136	0	S135 and S124	US-PGPUB; USPAT; USOCR; DERWENT	OR	ON	2010/01/26 13:37
S137	0	S135 and S124	US-PGPUB; USPAT; USOCR; DERWENT	OR	ON	2010/01/26 13:37
S138	0	S126 and S135	US-PGPUB; USPAT; USOCR; DERWENT	OR	ON	2010/01/26 13:38
S139	54	S132 and S135	US-PGPUB; USPAT; USOCR; DERWENT	OR	ON	2010/01/26 13:38
S140	0	luer-lock and silicon adj gel	US-PGPUB; USPAT; USOCR; DERWENT	OR	ON	2010/01/26 13:39
S141	0	S132 and S140	US-PGPUB; USPAT; USOCR; DERWENT	OR	ON	2010/01/26 13:39
S142	344	luer-lock and gel	US-PGPUB; USPAT; USOCR; DERWENT	OR	ON	2010/01/26 13:40

S143	2	S142 and S126	US-PGPUB; USPAT; USOCR; DERWENT	OR	ON	2010/01/26 13:40
S144	70738	allowance	US-PGPUB; USPAT; USOCR; DERWENT	OR	ON	2010/01/26 13:42
S145	10	pre-filled adj silicone\$2	US-PGPUB; USPAT; USOCR; DERWENT	OR	ON	2010/01/26 13:43
S146	10	pre-filled adj silicone\$2	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT	OR	ON	2010/01/26 13:44
S147	0	("2009/0157008").URPN.	USPAT	OR	ON	2010/01/26 13:45
S148	0	silocone adj gel adj polidimetilsyloxane	USPAT	OR	ON	2010/01/26 13:46
S149	0	silocone adj polidimetilsyloxane	USPAT	OR	ON	2010/01/26 13:47
S150	48	("1915522" "2007042" "2484892" "2757859" "20040173475" "20060051457" "3845858" "4022319" "4078662" "4483440" "5458277" "6520329" "6830152" "0603949" "0969329" "D455880").PN.	US-PGPUB; USPAT; USOCR; DERWENT	OR	ON	2010/01/26 15:17
S151	190	("0585816" "0667561" "0786692" "0920462" "1327778" "1417121" "1915522" "2007042" "2007261" "2115930" "2434342" "2727547" "2757859" "2832498" "2834456" "2858014" "2892541" "2916183" "2993590" "3004661" "3017063" "3021948" "3063557" "3089583" "3141569" "3201421" "3279596" "3372724" "3384224" "3394838" "3414414" "3426958" "3485344" "3533503" "3627122" "3641697" "3642336" "3765565" "3811564" "3845858" "3848943" "3885668" "3912081" "3935944" "3970194" "4022319" "4077515" "4119248" "4140317" "4195729" "4294361" "4512474" "4541528" "4803048" "4905857" "5042658" "5050739" "5125211" "5209354" "5325968" "5737775" "6032799"	US-PGPUB; USPAT; USOCR	OR	ON	2010/01/26 15:19

		"D369007" "D381157" "D387531" "D410575" "D421823" "D422126" "D436705").PN. OR ("191552" "2004/0173475" "2006/0051457" "2007042" "2484892" "2757859" "3845858" "4022319" "4078662" "4483440" "5458277" "603949" "6520329" "6830152" "969329" "D455880").URPN.				
S152	0	("polidimetilsyloxane").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2010/04/15 14:38
S153	1	polidimetilsyloxane	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/04/15 14:39
S154	0	424/*.\$ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/04/15 14:40
S155	0	424/*.\$ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/04/15 14:41
S156	0	"424"/\$.*.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/04/15 14:43
S157	0	"424"/\$.*.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/04/15 14:43
S158	180598	"424"/\$.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/04/15 14:45
S159	180599	S153 S158	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/04/15 14:46
S160	0	S153 and S158	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/04/15 14:46
S161	135411	"206"/\$.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/04/15 14:48
S162	0	S153 and S161	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/04/15 14:48

S163	135412	S153 S161	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/04/15 14:48
S164	97125	"604"/\$.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/04/15 14:48
S165	1	S153 and S164	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/04/15 14:49
S166	135411	"206"/\$.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/04/15 14:49
S167	1296445	S153 andl "115"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/04/15 14:49
S168	0	S153 and S166	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/04/15 14:50
S169	135412	S153 S166	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/04/15 14:50
S170	0	S153 and S166	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/04/15 14:50
S171	25	("3545607" "3826828" "3869062" "3923152" "3826828" "4184593" "4954239" "5529189" "5529189").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/04/15 14:52
S172	163	("1234582" "1279069" "1589882" "2228493" "2372469" "2642868" "2671450" "2720969" "2792934" "2831483" "2939459" "3089491" "3305084" "3316909" "3367483" "3376866" "3410391" "3499525" "3545607" "3563449" "3593873" "3642123" "3746155" "3749084" "3826261" "3869062" "3911916" "3921633" "3978858" "4067333" "4226328" "4300569" "4313440" "4364376" "4372294" "4453934" "4471765" "4581015" "4643721" "4664259"	US-PGPUB; USPAT; USOCR	OR	ON	2010/04/15 14:56

		"4735311" "4796790" "4811847" "4874601" "4954239" "5002538" "5021220" "5024231" "5117981").PN. OR ("3545607" "3826828" "3869062" "3923152" "4184593" "4954239" "5529189").URPN.				
S173	0	S153 and S172	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/04/15 14:56
S174	0	("polidimetilsyloxane").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2010/04/15 14:58
S175	1	polidimetilsyloxane	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/04/15 14:58
S176	0	("polidimetilsyloxane").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2010/04/15 14:59
S177	1	S152 S153	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/04/15 15:13
S178	0	S152 and S153	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/04/15 15:13
S179	0	polydimetilsyloxane	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/04/15 15:16
S180	17789	PDMS	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/04/15 15:17
S181	25	S180 and S166	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/04/15 15:17
S182	46469	polydimethylsiloxane	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/04/15 15:20
S183	0	polydimethylsiloxane adj silocone	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/04/15 15:26
S184	0	polydimethylsiloxane adj silocne	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/04/15 15:26

S185	903	polydimethylsiloxane adj silicone	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/04/15 15:26
S186	7	S185 and S161	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/04/15 15:26
S187	18	"3958570"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/04/15 15:35
S188	18	"3958570"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/04/20 19:37
S189	20	"5529189"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/04/20 19:38
S190	12	"2803391"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/04/21 11:37
S191	0	20020190110A1	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/04/21 11:38
S192	0	2003116612A1	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/04/21 11:43
S193	2	"2003116612"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/04/21 11:44
S194	0	"2003116612A1"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/04/21 11:44
S195	63	syringe with silicone with gel	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/04/21 15:26
S196	20	syringe with filled with silicone with gel	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/04/21 15:27
S197	1	syringe with pre adj filled with silicone with gel	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/04/21 15:29
S198	32	(Silicone adj gel) and sunblock	US-PGPUB; USPAT; USOCR; DERWENT	OR	ON	2010/04/22 17:25

S199	0	(Silicone adj gel) adj sunblock	US-PGPUB; USPAT; USOCR; DERWENT	OR	ON	2010/04/22 17:31
S200	0	(Silicone adj gel) with sunblock	US-PGPUB; USPAT; USOCR; DERWENT	OR	ON	2010/04/22 17:31
S201	0	(Silicone adj gel) near sunblock	US-PGPUB; USPAT; USOCR; DERWENT	OR	ON	2010/04/22 17:31
S202	32	(Silicone adj gel) and sunblock	US-PGPUB; USPAT; USOCR; DERWENT	OR	ON	2010/04/22 17:31
S203	8219	silicone adj gel	US-PGPUB; USPAT; USOCR; JPO; DERWENT	OR	ON	2010/09/20 16:33
S204	3379917	composition	US-PGPUB; USPAT; USOCR; JPO; DERWENT	OR	ON	2010/09/20 16:34
S205	3	radiological adj contrast with human	US-PGPUB; USPAT; USOCR; JPO; DERWENT	OR	ON	2010/09/20 16:34
S206	0	S203 and S204 and S205	US-PGPUB; USPAT; USOCR; JPO; DERWENT	OR	ON	2010/09/20 16:35
S207	16	radiological with contrast with human	US-PGPUB; USPAT; USOCR; JPO; DERWENT	OR	ON	2010/09/20 16:35
S208	0	S203 S204 S207	US-PGPUB; USPAT; USOCR; JPO; DERWENT	AND	ON	2010/09/20 16:35
S209	1	S203 and S207	US-PGPUB; USPAT; USOCR; JPO; DERWENT	OR	ON	2010/09/20 16:35
S210	1	S203 and S207	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/09/20 16:36
S211	26	radiological with contrast with animal	US-PGPUB; USPAT; USOCR; JPO; DERWENT	OR	ON	2010/09/20 16:36
S212	1	S203 and S211	US-PGPUB; USPAT; USOCR; JPO; DERWENT	OR	ON	2010/09/20 16:36
S213	3727	silicon adj gel	US-PGPUB; USPAT; USOCR; JPO; DERWENT	OR	ON	2010/09/20 16:38
S214	0	S205 and S213	US-PGPUB; USPAT; USOCR; JPO; DERWENT	OR	ON	2010/09/20 16:38
S215	0	radiological adj contrast adj human	US-PGPUB; USPAT; USOCR; JPO; DERWENT	OR	ON	2010/09/20 16:39

S216	906506	gel	US-PGPUB; USPAT; USOCR; JPO; DERWENT	OR	ON	2010/09/20 16:40
S217	0	S205 and S216	US-PGPUB; USPAT; USOCR; JPO; DERWENT	OR	ON	2010/09/20 16:40
S218	47	"4844260"	US-PGPUB; USPAT; USOCR; JPO; DERWENT	OR	ON	2010/09/20 16:54
S219	52	"5176250"	US-PGPUB; USPAT; USOCR; JPO; DERWENT	OR	ON	2010/09/20 16:55
S220	33	"5845771"	US-PGPUB; USPAT; USOCR; JPO; DERWENT	OR	ON	2010/09/20 16:56
S221	5	"5332162"	US-PGPUB; USPAT; USOCR; JPO; DERWENT	OR	ON	2010/09/20 17:51
S222	17	"5407067"	US-PGPUB; USPAT; USOCR; JPO; DERWENT	OR	ON	2010/09/20 17:51
S223	32	"5695054"	US-PGPUB; USPAT; USOCR; JPO; DERWENT	OR	ON	2010/09/20 17:52
S224	82	"5697498"	US-PGPUB; USPAT; USOCR; JPO; DERWENT	OR	ON	2010/09/20 17:54
S225	41	"5762246"	US-PGPUB; USPAT; USOCR; JPO; DERWENT	OR	ON	2010/09/20 17:55
S226	48380	polydimethylsiloxane	US-PGPUB; USPAT; USOCR; JPO; DERWENT	OR	ON	2010/09/20 17:59
S227	689941	tracer dye	US-PGPUB; USPAT; USOCR; JPO; DERWENT	OR	ON	2010/09/20 17:59
S228	93936	"604"/\$.ccls.	US-PGPUB; USPAT; USOCR; JPO; DERWENT	OR	ON	2010/09/20 18:00
S229	5311	S227 and S228	US-PGPUB; USPAT; USOCR; JPO; DERWENT	OR	ON	2010/09/20 18:00
S230	133	S227 and S228 and S226	US-PGPUB; USPAT; USOCR; JPO; DERWENT	OR	ON	2010/09/20 18:00
S231	203909	syringe	US-PGPUB; USPAT; USOCR; JPO; DERWENT	OR	ON	2010/09/20 18:05
S232	244	S226 and S231 and S228	US-PGPUB; USPAT; USOCR; JPO; DERWENT	OR	ON	2010/09/20 18:05
S233	56	S226 and S231 and S228 and S227	US-PGPUB; USPAT; USOCR; JPO; DERWENT	OR	ON	2010/09/20 18:08

S234	187354	"424"/\$.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/09/20 18:19
S235	3714	S226 and S227 and S234	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/09/20 18:19
S236	35	S228 and S235	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/09/20 18:20
S237	3858	S226 and S231 and "35"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/09/20 18:20
S238	842	S226 and S231 and S234	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/09/20 18:21
S239	428	S226 and S231 and S234 and S227	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/09/20 18:21
S240	0	syrine with polydimethylsiloxane	US-PGPUB; USPAT; USOCR; JPO; DERWENT	OR	ON	2010/09/20 18:25
S241	59	syringe with polydimethylsiloxane	US-PGPUB; USPAT; USOCR; JPO; DERWENT	OR	ON	2010/09/20 18:26
S242	2	syringe adj polydimethylsiloxane	US-PGPUB; USPAT; USOCR; JPO; DERWENT	OR	ON	2010/09/20 18:29
S243	131525	"206"/\$.ccls.	US-PGPUB; USPAT; USOCR; JPO; DERWENT	OR	ON	2010/09/20 18:30
S244	0	S242 and S243	US-PGPUB; USPAT; USOCR; JPO; DERWENT	OR	ON	2010/09/20 18:30

EAST Search History (Interference)

< This search history is empty >

9/ 30/ 2010 11:04:52 AM

H:\ sterile containing silicone gel for stereotaxy.wsp

S/N 12/279,834

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Anderson et al.	Examiner:	Unknown
Serial No.:	12/279,834	Group Art Unit:	Unknown
Filed:	August 18, 2008	Docket:	1842.249US1
Customer No.:	70648	Confirmation No.:	5183
Title:	PROVIDING ALTERNATIVE PERSISTENT STATE RECOVERY TECHNIQUES		

PETITION TO MAKE SPECIAL UNDER 37 CFR § 1.102(d)

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

Applicants hereby petition the Commissioner to advance the above-identified Application out of turn for accelerated examination under the provisions of 37 C.F.R. § 1.102(d). The basis under which special status is sought is the express abandonment of copending application serial no. 12/094,701 under the Patent Application Backlog Reduction Stimulus Plan.¹ In support of the Petition to Make Special, Applicants make the following statements:

1. The application for which special status is sought has an actual filing date before October 1, 2009, based on a National Stage Filing of International Patent Application Serial No. PCT/US2007/004062 filed on February 16, 2007.
2. A copy of the Letter of Express Abandonment of application 12/094,701, including statements accompanying the express abandonment is submitted herewith.
3. The application 12/279,834 that is the subject of this Petition to Make Special and application 12/094,701 that has been expressly abandoned are both commonly owned and assigned to WMS Gaming Inc.
4. Applicants certify that they have not filed petitions in more than fourteen other applications requesting special status under the Patent Application Backlog Reduction Stimulus Plan.

¹ See 75 Fed. Reg. 71072 and 75 Fed Reg. 36063.

5. Applicants agree to make an election without traverse in a telephonic interview if the United States Patent and Trademark Office determines that the claims of application 12/279,834 are directed to two or more independent and distinct inventions.

6. Applicants understand that the petition fee set forth in 37 C.F.R. § 1.17(h), which is normally required pursuant to 37 C.F.R. § 1.102(d) has been waived by the United States Patent and Trademark Office. However, if any fees are necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. Box 2938
Minneapolis, MN 55402-0938
(612) 373-6900

Date February 4, 2011

By 

Rodney L. Lacy
Reg. No. 41,136



SCHWEGMAN, LUNDBERG & WOESSNER/WMS GAMING
P.O. BOX 2938
MINNEAPOLIS MN 55402

MAILED

FEB 11 2011

OFFICE OF PETITIONS

In re Application of	:	
ANDERSON, et al.	:	DECISION ON PETITION
Application No. 12/279,834	:	TO MAKE SPECIAL
35 U.S.C. 371 Date: August 18, 2008	:	37 CFR 1.102
Int. Appl. No.: PCT/US2007/004062	:	
Int. File Date: February 16, 2007	:	
Attorney Docket No. 1842.249US1	:	

This is a decision on the petition under 37 CFR 1.102, filed February 4, 2011, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009) and 75 Federal register Notice 36063 (June 24, 2010).

The petition is **GRANTED**.

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

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

- (1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009;
- (2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;
- (3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;
- (4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and
 - a) includes a statement that the applicant has not and will not file a new application that claims the same invention claimed in the expressly abandoned application;

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

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

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

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

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

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

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

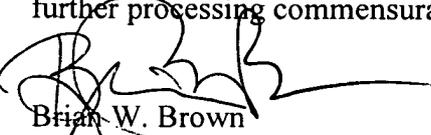
The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

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

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

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

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


Brian W. Brown
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 03/02/12

TO SPE OF : ART UNIT 2881

SUBJECT : Request for Certificate of Correction for Appl. No.: 12279888 Patent No.: 8101925

CofC mailroom date: 02/24/12

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (CofC)

Randolph Square – 9D10-A

Palm Location 7580

You can fax the Directors/SPE response to 571-273-3421

Note: Should the changes to claim 22 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: Approved



/Nimeshkumar D. Patel

2879

SPE

Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20120417

DATE : April 17, 2012

TO SPE OF : ART UNIT 1622

SUBJECT : Request for Certificate of Correction on Patent No.: 8048877

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Certificates of Correction Branch - ST (South Tower) 9A22

Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

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

Note your decision on the appropriated box.

Approved

All changes apply.

Approved in Part

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

Denied

State the reasons for denial below.

Comments:

/ANDREW D KOSAR/
Supervisory Patent Examiner.Art Unit 1622



UNITED STATES PATENT AND TRADEMARK OFFICE

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

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

MAILED

NOV 08 2010

OFFICE OF PETITIONS

In re Application of	:	
Alexander Sergeevich Parfyonov et al.	:	DECISION ON PETITION
Application No. 12/279,939	:	TO WITHDRAW
Filed: August 10, 2010	:	FROM RECORD
Attorney Docket No. 027264-000200US	:	

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed October 12, 2010.

The request is **NOT APPROVED**.

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

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

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

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

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

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

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions



COOPER & DUNHAM, LLP
30 ROCKEFELLER PLAZA
20TH FLOOR
NEW YORK NY 10112

MAILED

APR 09 2012

OFFICE OF PETITIONS

In re Application of :
Tohru Yahiro et al. :
Application No. 12/279,946 :
Filed: August 19, 2008 :
Attorney Docket Number: 2271/79693 :

ON PETITION

This is a decision on the petition filed March 16, 2012 under 37 CFR 1.181 to withdraw the holding of abandonment, in accordance with the reasoning of the decision in Delgar Inc. v. Schuyler, 172 USPQ 513.

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 1.181," or, as explained in more detail below, "...under 37 CFR 1.137(a)" or (b). This is not a final agency decision.

This application became abandoned on September 23, 2011 after the applicant failed to file a timely response to the non-Final Office Action mailed June 22, 2011. Accordingly, the Notice of Abandonment was mailed January 18, 2012.

Petitioner argues that the non-Final Office Action was not received.

A review of the file reveals that the non-Final Office Action was mailed to the address of record on June 22, 2011, but was returned by the US Postal Service on July 1, 2011 as undeliverable. The review further reveals that there does not appear to have been a change of address filed prior to the mailing of the non-Final Office Action and the forwarding order filed with the USPS expired. See MPEP sections 601.03 and 711.02(c).

As petitioner has not presented any evidence that the address of record had been changed with the USPTO at the time the non-Final Office Action was mailed, and in the absence of petitioner showing that they acted responsibly with respect to providing the USPTO with an up to date address, the showing of record is therefore insufficient to warrant withdrawal of the holding of abandonment.

ALTERNATIVE VENUE

Petitioner may wish to consider filing a renewed petition under 37 CFR 1.137 1.137(b),¹ 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).

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

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

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

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

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

NOV 04 2011

OFFICE OF PETITIONS

PATTERSON THUENTE CHRISTENSEN PEDERSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS MN 55402-2100

In re Patent No. 8,027,584	: DECISION ON REQUEST
Healey	: FOR
Issue Date: September 27, 2011	: RECONSIDERATION OF
Application No. 12/280,047	: PATENT TERM ADJUSTMENT
Filed: August 20, 2008	: and
Atty Docket No. 4359.17WOUS	: NOTICE OF INTENT TO ISSUE
	: CERTIFICATE OF CORRECTION

This is a decision on the petition filed on November 1, 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 six hundred and eleven (611) 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 six hundred and eleven (611) days is **GRANTED**.

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

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

The application is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by six hundred and eleven (611) days.

Patent No. 8,027,584 Application No. 12/280,047 Page 2

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

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

DRAFT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 8,027,584 B2

DATED : Sep. 27, 2011

INVENTOR(S) : Healey

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 (543) days

Delete the phrase "by 543 days" and insert – by 611 days--



23 SEP 2010

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

30678
CONNOLLY BOVE LODGE & HUTZ LLP
1875 Eye Street, N.W.
Suite 1100
Washington, DC 20006

In re Application of :
LEATT, Christopher James :
U.S. Application No.: 12/280,105 :
PCT No.: PCT/IB2006/002866 :
Int. Filing Date: 13 October 2006 :
Priority Date: 14 October 2005 :
Docket No.: 27614-00009-US :
For: HELMET :

DECISION

This decision is in response to applicants' renewed petition under 37 CFR 1.47(a) filed on 30 October 2009.

BACKGROUND

On 30 June 2009, a decision dismissing applicants' petition under 37 CFR 1.47(a) was mailed. Applicants were given two months to respond with extensions of time available.

On 30 October 2009, applicants filed the renewed petition which was accompanied by, *inter alia*, a two-month extension and \$245.00 extension fee, and a declaration executed by all inventors.

DISCUSSION

In the petition filed 30 March 2009, applicants asserted that co-inventor Grant L. Nelson refused to cooperate. This petition was dismissed for failing to show a refusal to cooperate, and for failing to provide the last known address of the nonsigning inventor.

In the renewed petition, applicants submitted a declaration executed by the nonsigning inventor, Grant L. Nelson. This declaration is in compliance with 37 CFR 1.497(a) and (b).

No further action on the petition under 37 CFR 1.47(a) is required.

CONCLUSION

For the reason discussed above, the petition under 37 CFR 1.47(a) is **DISMISSED** as **MOOT**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 13 October 2006, under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 30 October 2009.

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



WPAT, PC
INTELLECTUAL PROPERTY ATTORNEYS
1100 QUAIL STREET, SUITE 202
NEWPORT BEACH CA 92660

MAILED

MAY 13 2011

OFFICE OF PETITIONS

In re Application of :
SAW, Eaden et al. :
Application No. 12/280,163 :
Filed: October 27, 2008 :
Attorney Docket No. 19206-020 :
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 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.

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: **RF MATRIX, INC.**
1020 JOHNSON AVENUE
SAN JOSE, CALIFORNIA 95129



**WPAT, PC
INTELLECTUAL PROPERTY ATTORNEYS
1100 QUAIL STREET, SUITE 202
NEWPORT BEACH CA 92660**

**MAILED
JUN 06 2011
OFFICE OF PETITIONS**

In re Application of	:	
SAW, Eaden et al.	:	
Application No. 12/280,163	:	DECISION ON PETITION
Filed: October 27, 2008	:	TO WITHDRAW
Attorney Docket No. 19206-020	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 18, 2011.

The request is **NOT APPROVED**.

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 an updated 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: **RF MATRIX, INC.
1020 JOHNSON AVENUE
SAN JOSE, CALIFORNIA 95129**



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON, TX 77010

MAILED
AUG 17 2011

PCT LEGAL ADMINISTRATION

In re Application of IWAMURA et al :
U.S. Application No.: 12/280,168 :
PCT Application No.: PCT/JP2007/053672 :
Int. Filing Date: 27 February 2007 :
Priority Date Claimed: 28 February 2006 :
Attorney Docket No.: 17401/078001 :
For: MOBILE STATION, AND METHOD FOR :
NOTIFYING STATUS OF MOBILE :
STATION AND WIRELESS CHANNEL :

DECISION

This is in response to applicant's correspondence filed 01 July 2010, which is being treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 27 February 2007, applicant filed international application PCT/JP2007/053672, which claimed priority of an earlier Japan application filed 28 February 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 07 September 2007. The thirty-month period for paying the basic national fee in the United States expired on 28 August 2008.

On 21 August 2008, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 24 September 2008, applicant filed an executed declaration.

On 03 March 2010, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an executed oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 25 March 2010, the DO/EO/US mailed a Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) and an official filing receipt.

On 01 July 2010, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

The Notice of Acceptance erroneously indicates the date of receipt of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) requirements as 21 August 2008.

CONCLUSION

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

The Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) mailed 03 March 2010 is hereby VACATED.

The Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) is hereby VACATED.

The application has an International Filing Date under 35 U.S.C. 363 of 27 February 2007, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 21 August 2008.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a corrected Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) and a corrected filing receipt. The corrected Notice of Acceptance should indicate the date of receipt of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) requirements as 24 September 2008 and should indicate the date of receipt of the declaration as 24 September 2008. The corrected filing receipt should indicate a 371(c) date of 24 September 2008.


Bryan Lin
PCT Legal Examiner
PCT Legal Office

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

March 8, 2012

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re Application of :
Yutaka Ie et al. : **DECISION ON PETITION**
Application No. 12280257 :
Filed: 08/21/2008 : **ACCEPTANCE OF COLOR**
Attorney Docket No. **Q109754** : **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, 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 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.

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

OCT 21 2010

OFFICE OF PETITIONS

FISH & RICHARDSON P.C. (SV)
PO BOX 1022
MINNEAPOLIS, MN 55440-1022

In re Application of :
Hee Suk Pang, et al. :
Application No.: 12/280,309 : ON PETITION
Filed: March 16, 2009 :
Attorney Docket No.: 24622-0129US1 :

This is a decision on the petition, filed October 20, 2010, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on October 14, 2010, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2614 for further processing of the Request for Continued Examination (RCE) under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

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: 104530.60612US	Application Number (if known): 12/280,328	Filing date: February 22, 2007
--	---	--------------------------------

First Named Inventor: Fritz KLOTZ

Title: Solar Module System of the Parabolic Concentrator Type

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

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

- By filing this petition:
Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.
- By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements 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.
- This request is accompanied by statements of special status for the eligibility requirement.
- The application contains no more than three (3) independent claims and twenty (20) total claims.
- The application does not contain any multiple dependent claims.
- Other attachments: _____

Signature /Suzanne C. Walts/	Date October 27, 2010
------------------------------	-----------------------

Name (Print/Typed) Suzanne C. Walts	Registration Number 60,831
-------------------------------------	----------------------------

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.

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

**Instruction Sheet for
Petition to Make Special Under the Green Technology Pilot Program**
(Not to be Submitted to the USPTO)

The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction" and (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," available on the USPTO web site at http://www.uspto.gov/patents/init_events/green_tech.jsp):

- (1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371. The application must be previously filed before the publication date of the notice cited above. Reexamination proceedings are excluded from this pilot program.
- (2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- (3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- (4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- (5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- (6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

Privacy Act Statement

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

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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.
12/280,328	08/27/2010	Fritz Klotz	104530.60612US	9788
23911	7590	11/01/2010	EXAMINER	
CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP P.O. BOX 14300 WASHINGTON, DC 20044-4300			ART UNIT	PAPER NUMBER
			3749	
			MAIL DATE	DELIVERY MODE
			11/01/2010	PAPER

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

In re Application of :
KLOTZ, FRITZ :
Application No. 12/280,328 :
Filed: Aug. 21, 2008 :
Attorney Docket No. 104530.60612US :
Title of Invention: SOLAR MODULE SYSTEM :
OF THE PARABOLIC CONCENTRATOR TYPE :

DECISION ON PETITION
TO MAKE SPECIAL UNDER
THE GREEN TECHNOLOGY
PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed Oct. 27, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010).

The petition is **DISMISSED**.

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

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

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable

energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

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

The petition lacks item 8.

In regard to item 8, petitioner should note that since no request in compliance with 37 CFR 1.219 has been made for the early publication of the present application and the publication fee \$300.00 as set forth in 37 CFR 1.18(d) has not been received, the petition is dismissed.

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

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

The application is being forwarded to the Technology Center Art Unit 3749 for action in its regular turn.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center 3700

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (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: 104530.60612US	Application Number (if known): 12/280,328	Filing date: February 22, 2007
--	---	--------------------------------

First Named Inventor: Fritz KLOTZ

Title: Solar Module System of the Parabolic Concentrator Type

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

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

- By filing this petition:
Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.
- By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements 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.
- This request is accompanied by statements of special status for the eligibility requirement.
- The application contains no more than three (3) independent claims and twenty (20) total claims.
- The application does not contain any multiple dependent claims.
- Other attachments: _____

Signature /Suzanne C. Walts/	Date October 27, 2010
------------------------------	-----------------------

Name (Print/Typed) Suzanne C. Walts	Registration Number 60,831
-------------------------------------	----------------------------

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.

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

**Instruction Sheet for
Petition to Make Special Under the Green Technology Pilot Program**
(Not to be Submitted to the USPTO)

The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction" and (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," available on the USPTO web site at http://www.uspto.gov/patents/init_events/green_tech.jsp):

- (1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371. The application must be previously filed before the publication date of the notice cited above. Reexamination proceedings are excluded from this pilot program.
- (2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- (3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- (4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- (5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- (6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

Privacy Act Statement

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

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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.
12/280,328	08/27/2010	Fritz Klotz	104530.60612US	9788
23911	7590	11/23/2010	EXAMINER	
CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP P.O. BOX 14300 WASHINGTON, DC 20044-4300			ART UNIT	PAPER NUMBER
			3749	
			MAIL DATE	DELIVERY MODE
			11/23/2010	PAPER

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

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



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

In re Application of	:	
KLOTZ, FRITZ	:	DECISION ON PETITION
Application No. 12/280,328	:	TO MAKE SPECIAL UNDER
Filed: Aug. 27, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 104530.60612US	:	PILOT PROGRAM

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

The petition is **GRANTED**.

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

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

Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

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

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

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

The application is being forwarded to the Technology Center Art Unit 3749 for action on the merits commensurate with this decision.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center TC 3700

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 2204819.137US3	Application Number (if known): 12/280,338	Filing date: August 17, 2009
--	---	------------------------------

First Named Inventor: Qiang HU

Title: PHOTOBIOREACTOR AND USES THEREFOR

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

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

1. By filing this petition:

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

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

Signature /Nishat A. Shaikh/

Date 9/30/2011

Name (Print/Typed) Nishat A. Shaikh

Registration Number 66,183

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

*Total of 1 forms are submitted.



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.
12/280,338	08/17/2009	Qiang Hu	0088539-020US0	9888
36257	7590	11/04/2011	EXAMINER	
DAVIS WRIGHT TREMAINE LLP - San Francisco			BEISNER, WILLIAM H	
505 MONTGOMERY STREET			ART UNIT	PAPER NUMBER
SUITE 800			1775	
SAN FRANCISCO, CA 94111			NOTIFICATION DATE	DELIVERY MODE
			11/04/2011	ELECTRONIC

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

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

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

SFOJSHPAIR@dwt.com
sf-patents@dwt.com



DAVIS WRIGHT TREMAINE LLP - San Francisco
505 MONTGOMERY STREET
SUITE 800
SAN FRANCISCO CA 94111

NOV 04 2011

In re Application of :
Hu et al. : DECISION ON PETITION
Application No. 12/280,338 : TO MAKE SPECIAL UNDER
Filed: 8/17/2009 : THE GREEN TECHNOLOGY
Attorney Docket No. 0088539-020US0 : PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 9/30/2011, 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 1775 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700



UNITED STATES PATENT AND TRADEMARK OFFICE

27 SEP 2010

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

John E. Nemazi
Brooks Kushman P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238

In re Application of :
Marett :
Application No.: 12/280,461 : DECISION ON
PCT No.: PCT/AU2007/000200 :
Int. Filing Date: 22 February 2007 : PETITION
Priority Date: 22 February 2006 :
Attorney's Docket No.: ECOS0101PUSA : UNDER 37 CFR 1.47(b)
For: A WATER STORAGE ASSEMBLY:

This is a decision in response to the "PETITION UNDER 37 C.F.R. §1.47(b)" filed on 29 September 2009. The \$200 petition fee has been paid.

BACKGROUND

On 22 February 2007, applicants filed international application PCT/AU2007/000200 that claimed priority of an earlier Australian application filed 22 February 2006. The thirty-month period for paying the basic national fee for the national stage in the United States expired at midnight on 22 August 2008.

On 22 August 2008, applicants filed a letter for entry into the national stage in the United States which was accompanied by, *inter alia*, a copy of the international application, a preliminary amendment and the basic national fee as required by 35 U.S.C. 371(c). These papers were assigned application number 12/280,461.

On 03 October 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) indicating that applicant was required to file an oath/declaration and the surcharge. The notification set a two-month time period in which to respond.

On 03 February 2009, applicant filed signed statement of Andrew Waudby, two documents entitled "DEED OF ASSIGNMENT", and a letter signed by LJ Webb.

On 25 August 2009, a COMMUNICATION was mailed to applicant indicating that in order to file the instant application without Mr. Marett's signature, a proper petition under 37 CFR 1.47 must be filed, along with the proper fee.

On 15 September 2009, a "NOTIFICATION OF DEFECTIVE RESPONSE" (Form PCT/DO/EO/916) was mailed to applicant giving applicant indicating that applicant must file a proper oath/declaration.

In order to satisfy the requirements of 35 U.S.C. 371(c)(4), on 29 September 2009, applicants filed the following papers:

- 1) a Response to Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) including a Petition under 37 CFR 1.47(a);
- 2) the required petition fee; and,
- 3) signed statement of Andrew Waudby, two documents entitled "DEED OF ASSIGNMENT", and a letter signed by LJ Webb.

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by (1) the fee under 37 CFR 1.17(h), (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.

With respect to item (1), applicant included the required petition fee.

MPEP §409.03(b) states, in part:

"Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made.

The fact that a nonsigning inventor is on vacation or out of town and is therefore temporarily unavailable to sign the declaration is not an acceptable reason for filing under 37 CFR 1.47.

Furthermore, the fact that an inventor is hospitalized and/or is not conscious is not an acceptable reason for filing under 37 CFR 1.47. 37 CFR 1.43 may be available under these circumstances. See MPEP § 409.02. Such a petition under 37 CFR 1.47 will be dismissed as inappropriate.

The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts. It is important that the statement contain facts as opposed to conclusions.”

With respect to item (2) above, there is no indication in either Andrew Waudby’s statements or LJ Webb’s statements that a delivery of the application papers was ever attempted. Applicant did not provide copies of the internet searches conducted, nor copies of returned letters mentioned by Mr. Webb.

Further, Mr. Webb indicated that Mr. Marett’s former attorney had been contacted and that those communications were attached, but these communications were not attached to the statement. Further, LJ Webb indicated that the “responsible officer at Smith Hancock” indicated that they “had been in contact with Mr. Marett and would request Mr. Marett to telephone” Mr. Webb. Mr. Webb indicates that this has not occurred. However, Mr. Webb does not indicate how much time elapsed between the phone call and this statement.

MPEP §409.03(b) states, in part:

“Where an application is executed by one other than the inventor, the declaration required by 37 CFR 1.63 must state the full name, residence, post office address, and citizenship of the nonsigning inventor. Also, the title or position of the person signing must be stated if signing on behalf of a corporation under 37 CFR 1.47(b).”

With respect to item (3) above, applicant has not provided applicant’s last known address.

With respect to item (4) above, applicant has not filed an oath or a declaration.

With respect to item (5) above, applicant has provided a copy of the assignment to the Australian provisional application to which the present application claims priority. The disclosed subject matter of the Australian provisional appears to be substantially the same as that of the instant application. Accordingly, applicant has provided sufficient proof of proprietary interest in the present application.

With respect to item (6) above, applicant has not provided a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

CONCLUSION

The petition under 35 CFR 1.47(b) 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. Failure to timely submit the proper response will result in **ABANDONMENT**. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

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



Debra Brittingham
PCT Special Programs Examiner
Office of PCT Legal Administration



Boris Milef
PCT Legal Examiner
Office of PCT Legal Administration

Tel: (571) 272-3280



UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

APR 05 2011

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

John E. Nemazi
Brooks Kushman P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238

PCT LEGAL ADMINISTRATION

In re Application of :
Marett :
Application No.: 12/280,461 : DECISION ON
PCT No.: PCT/AU2007/000200 :
Int. Filing Date: 22 February 2007 : PETITION
Priority Date: 22 February 2006 :
Attorney's Docket No.: ECOS0101PUSA : UNDER 37 CFR 1.47(b)
For: A WATER STORAGE ASSEMBLY:

This is a decision in response to the "RENEWED PETITION UNDER 37 C.F.R. §1.47(b)" filed on 29 November 2010. The petition fee has been paid.

BACKGROUND

On 22 February 2007, applicants filed international application PCT/AU2007/000200 that claimed priority of an earlier Australian application filed 22 February 2006. The thirty-month period for paying the basic national fee for the national stage in the United States expired at midnight on 22 August 2008.

On 22 August 2008, applicants filed a letter for entry into the national stage in the United States which was accompanied by, *inter alia*, a copy of the international application, a preliminary amendment and the basic national fee as required by 35 U.S.C. 371(c). These papers were assigned application number 12/280,461.

On 03 October 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) indicating that applicant was required to file an oath/declaration and the surcharge. The notification set a two-month time period in which to respond.

On 03 February 2009, applicant filed signed statement of Andrew Waudby, two documents entitled "DEED OF ASSIGNMENT", and a letter signed by LJ Webb.

On 25 August 2009, a COMMUNICATION was mailed to applicant indicating that in order to file the instant application without Mr. Marett's signature, a proper petition under 37 CFR 1.47 must be filed, along with the proper fee.

On 15 September 2009, a "NOTIFICATION OF DEFECTIVE RESPONSE" (Form PCT/DO/EO/916) was mailed to applicant giving applicant indicating that applicant must file a proper oath/declaration.

On 29 September 2009, applicant filed a petition under 37 CFR 1.47(b).

On 27 September 2010, this Office mailed a decision dismissing the 29 September 2009 petition.

On 29 November 2010, applicant filed the current renewed petition under 37 CFR 1.47(b) including declarations from Andrew Waudby and Lewis James Webb.

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by (1) the fee under 37 CFR 1.17(h), (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.

With respect to item (1), applicant previously included the required petition fee.

With respect to item (2) above, the affidavit of Lewis James Webb indicates that the inventor may be able to be contacted through attorney Peter Hillig (see Webb affidavit, ¶7). However, there is no indication that petitioner attempted to send a copy of the application papers to the inventor through Mr. Hillig's firm.

With respect to item (3) above, applicant has provided applicant's last known address.

With respect to item (4) above, applicant has not filed the requisite oath or a declaration.

With respect to item (5) above, applicant previously provided a copy of the assignment to the Australian provisional application to which the present application claims priority. The disclosed subject matter of the Australian provisional appears to be substantially the same as that of the instant application. Accordingly, applicant has provided sufficient proof of proprietary interest in the present application.

With respect to item (6) above, applicant has not provided a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

CONCLUSION

The renewed petition under 35 CFR 1.47(b) 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. Failure to timely submit the proper response will result in **ABANDONMENT**. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b)." 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.

/Debra Brittingham/
Debra Brittingham
PCT Special Programs Examiner
Office of PCT Legal Administration

/Bryan Lin/
Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

Tel: (571) 272-3280



UNITED STATES PATENT AND TRADEMARK OFFICE

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

John E. Nemazi
Brooks Kushman P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238

MAILED

OCT 18 2011

PCT LEGAL ADMINISTRATION

In re Application of :
Marett :
Application No.: 12/280,461 : DECISION ON
PCT No.: PCT/AU2007/000200 :
Int. Filing Date: 22 February 2007 : PETITION
Priority Date: 22 February 2006 :
Attorney's Docket No.: ECOS0101PUSA : UNDER 37 CFR 1.47(b)
For: A WATER STORAGE ASSEMBLY:

This is a decision in response to the "RENEWED PETITION UNDER 37 C.F.R. §1.47(b)" filed on 30 June 2011. The petition fee has been paid.

BACKGROUND

On 22 February 2007, applicants filed international application PCT/AU2007/000200 that claimed priority of an earlier Australian application filed 22 February 2006. The thirty-month period for paying the basic national fee for the national stage in the United States expired at midnight on 22 August 2008.

On 22 August 2008, applicants filed a letter for entry into the national stage in the United States which was accompanied by, *inter alia*, a copy of the international application, a preliminary amendment and the basic national fee as required by 35 U.S.C. 371(c). These papers were assigned application number 12/280,461.

On 03 October 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) indicating that applicant was required to file an oath/declaration and the surcharge. The notification set a two-month time period in which to respond.

On 03 February 2009, applicant filed signed statement of Andrew Waudby, two documents entitled "DEED OF ASSIGNMENT", and a letter signed by LJ Webb.

On 25 August 2009, a COMMUNICATION was mailed to applicant indicating that in order to file the instant application without Mr. Marett's signature, a proper petition under 37 CFR 1.47 must be filed, along with the proper fee.

On 15 September 2009, a "NOTIFICATION OF DEFECTIVE RESPONSE" (Form PCT/DO/EO/916) was mailed to applicant giving applicant indicating that applicant must file a proper oath/declaration.

On 29 September 2009, applicant filed a petition under 37 CFR 1.47(b).

On 27 September 2010, this Office mailed a decision dismissing the 29 September 2009 petition.

On 29 November 2010, applicant filed a renewed petition under 37 CFR 1.47(b) including declarations from Andrew Waudby and Lewis James Webb.

On 05 April 2011, this Office mailed a decision dismissing the 29 November 2010 petition indicating that it was not clear that inventor Graeme Alexander Marett could not be reached, and that applicant had not shown irreparable damage.

On 03 June 2011, applicant filed the current renewed petition under 37 CFR 1.47(b).

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by (1) the fee under 37 CFR 1.17(h), (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.

Applicant has satisfied items (1), (3), and (5) in the earlier filed petition.

With respect to item (2) above, applicant has indicated that Mr. Peter Helig is not an attorney for inventor Marett and is unable to accept documents on inventor Marett's behalf. Applicant has provided the results of searches from several electronic search engines. Therefore, applicant has provided the necessary proof that inventor Graeme Alexander Marett could not be reached after diligent effort.

With respect to item (4), applicant has provided the requisite declaration.

With respect to item (6) above, applicant has provided a statement indicating that such action is necessary to prevent irreparable damage.

CONCLUSION

The renewed petition under 35 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 nonsigning 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.

The application has an International Filing Date under 35 U.S.C. 363 of 22 February 2007, and a date under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) of 03 June 2011.

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

/Debra Brittingham/
Debra Brittingham
PCT Special Programs Examiner
Office of PCT Legal Administration

/Bryan Lin/
Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

Tel: (571) 272-3280



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Graeme Alexander Marett
1/33 College St.
Gladesville, NSW 2111
Australia

MAILED
OCT 18 2011
PCT LEGAL ADMINISTRATION

In re Application of: Marett
Application No.: 12/280,461
PCT No.: PCT/AU2007 /000200
Int. Filing Date: 23 February 2007
Attorney's Docket No.: ECOS0101PUSA
For: A WATER STORAGE ASSEMBLY

Dear Mr. Marett:

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.

Debra S. Brittingham
PCT Legal Examiner
Telephone: (571) 272-3280

/Bryan Lin/
Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

Counsel of Record: John E. Nemazi
Brooks Kushman P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238



UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

**MAILED
DEC 06 2010
OFFICE OF PETITIONS**

In re Application of :
Eric Thomas McAdams et al. :
Application No. 12/280,518 :
Filed: August 22, 2008 :
Attorney Docket No. 2006982-0013 (MRGT- :
013) :

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 November 24, 2010.

The request is **NOT APPROVED**.

A review of the file record indicates that Brenda Herschbach Jarrell attorneys/agents associated with Choate, Hall & Stewart LLP 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.

It is also noted that the request 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.

All future communications from the Office will continue to be directed to the address of record until otherwise properly notified by 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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED

JUN 27 2011

OFFICE OF PETITIONS

In re Application of
Gary J. Bridger, et al.
Application No. 12/280,542
Filed: January 26, 2009
Attorney Docket No: 391442007400

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

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

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Morrison & Foerster, LLP has been revoked by the assignee of the patent application on May 13, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to undersigned at 571-272-1642.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

**AKERMAN SENTERFITT
P.O. BOX 3188
WEST PALM BEACH FL 33402-3188**

**MAILED
JAN 19 2011
OFFICE OF PETITIONS**

In re Application of :
Cusicanqui et al. :
Application No. 12/280,550 : **DECISION ON PETITION**
Filed: December 4, 2008 : **TO WITHDRAW FROM RECORD**
Attorney Docket No. 10084-1 (220193) :
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 13, 2010.

The request is **APPROVED**.

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

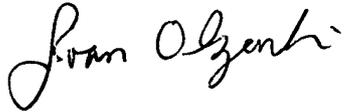
The request was signed by Peter A. Chiabotti on behalf of all attorneys of record who are associated with Customer Number 30448.

All attorneys/agents associated with the Customer Number 30448 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 27, 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: Oscar Rolando Avila Cusicanqui
Call los Celbos, Sem numero Tucsupaya
Baja-Sucre, Bolivia



UNITED STATES PATENT AND TRADEMARK OFFICE

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

NOVARTIS
CORPORATE INTELLECTUAL PROPERTY
ONE HEALTH PLAZA 101/2
EAST HANOVER NJ 07936-1080

MAILED

MAR 23 2011

OFFICE OF PETITIONS

In re Application of :
Lili Feng et al. :
Application No. 12/280,591 : **DECISION ON PETITION**
Filed: August 25, 2008 :
Attorney Docket No. **50059-US-PCT** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 19, 2011, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement, mailed May 6, 2010, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on June 7, 2010.

The petition is hereby **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Election, (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay.

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

This application is being referred to Technology Center AU 1614 for appropriate action by the Examiner in the normal course of business on the reply received.



JoAnne Burke
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

STITES & HARBISON PLLC
1199 NORTH FAIRFAX STREET
SUITE 900
ALEXANDRIA VA 22314

MAILED

AUG 02 2010

In re Patent No. 7,728,128 :
Issue Date: June 1, 2010 :
Application No. 12/280,715 :
Filed: February 24, 2009 :
Attorney Docket No. P09567US00/BAS :

OFFICE OF PETITIONS
DECISION ON PETITION

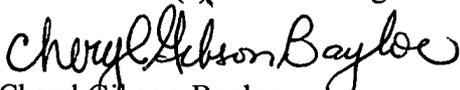
This is a decision on the Request For Issuance Of Certificate Of Correction for Patent, filed June 16, 2010, requesting correction, on the Title Page of the subject patent, to correct the spelling of the first assignee's name. The Request is being treated as a Petition under 37 CFR 1.322(a) for which no fee is required. A completed Certificate of Correction Form was submitted with the petition.

The petition under 37 CFR 1.322(a) is **GRANTED**.

Petitioner urges that the present Petition was submitted to correct the spelling of the first assignee's name on the previously submitted PTOL-85b and that such error was made by the USPTO.

Telephone inquiries related this communication should be directed to the undersigned at (571)272-3213. Inquiries regarding this 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 granted the petition under 37 CFR 1.322(a) and directing issuance of the requested Certificate of Correction.


Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions



UNITED STATES PATENT and TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

FULWIDER PATTON LLP
HOWARD HUGHES CENTER
6060 CENTER DRIVE, TENTH FLOOR
LOS ANGELES CA 90045

MAILED

DEC 08 2010

PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
Chris Conteas	:	
Application No.: 12/280,791	:	
PCT No.: PCT/US2004/014575	:	
Int. Filing Date: 11 May 2004	:	PETITION UNDER
Priority Date: 07 August 2003	:	
Attorney's Docket No.: CONCH-74804	:	
For: GASTROINTESTINAL LAVAGE	:	
SYSTEM	:	37 CFR 1.182

This decision is in response to the "PETITION RE CORRECTION OF ENTRY OF PCT SERIAL NUMBER UNDER 37 CFR 1.182," filed on 06 October 2010 to accept entry of the above identified application into the national stage with the corrected PCT number of PCT/US04/014575. Petitioner has provided the petition fee of \$400.00 by credit card.

BACKGROUND

In a communication from this Office on 11 August 2010, the communication indicated that both the transmitter letter and the Electronic Acknowledgement Receipt has a PCT serial number as PCT/US04/01457, while the declaration had PCT/US2004/014575.

On 06 October 2010, petitioner filed the current petition.

DISCUSSION

Petitioner states that the wrong PCT number was an inadvertent typographical error during the entry of the PCT serial number as result petitioner requests the correction from PCT/US04/01457 to PCT/US04/014575.

Although applicant entered the incorrect PCT serial number at the time of filing the application, the correct PCT number PCT/04/014575 was placed in the executed declaration and ADS. Accordingly, there is sufficient evidence that the correct international application PCT number is PCT/US04/014575.

Therefore, the petition to accept the correct PCT number of PCT/US04/014575 for the instant application is granted, and will be reflected in the filing receipt.

DECISION

The petition under 37 CFR 1.182 is **GRANTED**.

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



Rafael Bacares

PCT Legal Examiner

PCT Legal Office

Telephone: (571) 272-3276

Facsimile: (571) 273-0459



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.
12/280,810	11/13/2008	Kazuyuki Fukui	500.49173X00	5053

20457 7590 01/04/2011
ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON, VA 22209-3873

EXAMINER

SHEEHAN, JOHN P

ART UNIT PAPER NUMBER

1736

MAIL DATE DELIVERY MODE

01/04/2011

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.



UNITED STATES PATENT AND TRADEMARK OFFICE

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

CST

January 3, 2011

In re application of : DECISION ON REQUEST TO
Kazuyuki Fukui et al : PARTICIPATE IN PATENT
Serial No. 12/280,810 : PROSECUTION HIGHWAY
Filed: November 13, 2008 : PROGRAM AND
For: AMORPHOUS TRANSFORMER : PETITION TO MAKE SPECIAL
FOR ELECTRIC POWER SUPPLY : UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program filed October 13, 2010.

The request and petition are **DISMISSED** as moot. Specifically, a non-final Office Action was mailed in this application on December 22, 2010.

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, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;
- (2) Applicant must submit a copy of:
 - a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
 - b. An English translation of the allowable/ patentable claim(s), if applicable; and
 - c. A statement that the English translation is accurate, if applicable;
- (3) Applicant must:
 - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
 - b. Submit a claims correspondence table in English;

Application No. 12/280,810

- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit:
- a. Documentation of prior office action:
 - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
 - ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
 - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form:
Further, if a copy of the documents from a or b is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
 - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and
 - c. A statement that the English translation is accurate; and
- (6) Applicant must submit:
- a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
 - b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

The request to participate in the PPH pilot program and petition fail because:

(4) Examination of the U.S. application has begun. Specifically, note that a non-final Office Action was mailed in this application on December 22, 2010.

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



17 AUG 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

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

In re Application of	:	
MESSERLI, et al.	:	DECISION ON PETITION
Serial No.: 12/280,917	:	
PCT No.: PCT/US2007/005098	:	UNDER 37 CFR 1.47(a)
Int. Filing Date: 27 February 2007	:	
Priority Date: 27 February 2006	:	
Atty Docket No.: 001227/1574	:	
For: INTERVERTEBRAL IMPLANT WITH	:	
FIXATION GEOMETRY	:	

This decision is in response to applicant's renewed petition under 37 CFR 1.47(a) filed 08 July 2010 in the United States Patent and Trademark Office (USPTO) to accept the application without the signature of joint inventor Jackie Myer.

BACKGROUND

On 22 March 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 08 July 2010, applicant filed the present renewed petition under 37 CFR 1.47(a) accompanied by a petition for a two-month extension of time and payment of the appropriate extension fee. The response is considered timely filed.

DISCUSSION

As detailed in the decision mailed 22 March 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 investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant previously satisfied items 1-3.

With the filing of the renewed petition and supporting exhibits, applicant has satisfied the remaining item and it is therefore 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 27 February 2007 under 35 U.S.C. 363, and will be given a date of **08 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 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

17 AUG 2010



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Ms. Jacqueline Myer
1121 Dogwood Court
Pottstown, PA 19465

In re Application of
MESSERLI, et al.
Serial No.: 12/280,917
PCT No.: PCT/US2007/005098
Int. Filing Date: 27 February 2007
Priority Date: 27 February 2006
Atty Docket No.: 001227/1574
For: INTERVERTEBRAL IMPLANT WITH
FIXATION GEOMETRY

Dear Ms. Myer:

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.

A handwritten signature in black ink, appearing to read "Derek A. Putonen".

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

Counsel of record:

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

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)

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

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

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

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: AA 1773 US

Application Number (if known): 12280932

Filing date: 2008-08-27

First Named Inventor: Paul Richard Phillips

Title: Exhaust System Comprising Catalyst Soot Filter

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

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

1. By filing this petition:

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

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

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

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

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

6. Other attachments: _____

Signature /Stephen J. Driscoll/

Date 2011-01-26

Name Stephen J. Driscoll
(Print/Typed)

Registration Number 37564

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



*Total of 1 forms are submitted.

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/280,932	08/27/2008	Paul Richard Phillips	AA 1773 US	6065
95567	7590	02/14/2011	EXAMINER	
RatnerPrestia (JM)			TRAN, BINH Q	
P.O. Box 980			ART UNIT	PAPER NUMBER
Valley Forge, PA 19482-0980			3748	
			MAIL DATE	DELIVERY MODE
			02/14/2011	PAPER

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

In re Application of	:	
PHILLIPS, PAUL RICHARD et al	:	DECISION ON PETITION
Application No. 12/280,932	:	TO MAKE SPECIAL UNDER
Filed: April 8, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 81204437	:	PILOT PROGRAM

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

The petition is **dismissed**.

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

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

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

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

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived. The petition lacks items #4 and # 8.

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard. It is not clear how the claimed filter with a catalyzed sensor and control of CO and HC will provide and enhance the quality of the environment or contribute to development of renewable energy resources or energy conservation or greenhouse gas reduction.

In regard to item 8, petitioner should note that since no request in compliance with 37 CFR 1.219 has been made for the early publication of the present application and the publication fee \$300.00 as set forth in 37 CFR 1.18(d) has not been received, the petition is dismissed.

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

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. This application will be forwarded to the Technology Center Art Unit 3784 for action in its regular turn.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center 3700

THE UNITED STATES PATENT & TRADEMARK OFFICE

In re Application of Phillips et al.

Application No.: 12/280,932

Confirmation No.: 6065

Docket No.: AA 1773 US

Filed: August 27, 2008

Title: Exhaust System Comprising Catalysed
Soot Filter

Examiner: (Unknown)

Art Unit: (not yet available)

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

PETITION FOR RECONSIDERATION

This is in response to the Decision on Petition to Make Special Under the Green Technology Pilot Program dated February 14, 2011, having a period for response set to expire on March 14, 2011.

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

As required by the Decision, Applicant submits herewith a Statement of Materiality of Claim Invention to Enhance Quality of Environment.

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

Respectfully submitted,

Date: March 14, 2011

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

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

THE UNITED STATES PATENT & TRADEMARK OFFICE

In re Application of Phillips et al.

Application No.: 12/280,932

Confirmation No.: 6065

Docket No.: AA 1773 US

Filed: August 27, 2008

Title: Exhaust System Comprising Catalysed
Soot Filter

Examiner: (Unknown)

Art Unit: (not yet available)

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

Statement of Materiality of Claim Invention to Enhance Quality of Environment

The claims of the present are directed to controlling the active regeneration of a catalysed soot filter (CSF) without the need for a diesel oxidation catalyst (DOC) to combust hydrocarbons (HC) and/or carbon monoxide (CO) upstream of the CSF. This is a more efficient way to control soot emissions from diesel engines. Reducing soot in diesel engine emissions materially enhances the quality of the environment.

Respectfully submitted,

Date: March 14, 2011

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

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



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.
12/280,932	08/27/2008	Paul Richard Phillips	AA 1773 US	6065
95567	7590	03/18/2011	EXAMINER	
RatnerPrestia (JM)			LEE, BRANDON	
P.O. Box 980			ART UNIT	PAPER NUMBER
Valley Forge, PA 19482-0980			4136	
			MAIL DATE	DELIVERY MODE
			03/18/2011	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.



UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

In re Application of	:	
PHILLIPS, PAUL RICHARD et al	:	DECISION ON PETITION
Application No. 12/280,932	:	TO MAKE SPECIAL UNDER
Filed: April 8, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 81204437	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed March 14, 2011 to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **granted**.

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

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

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

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

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

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

This application will be forwarded to the Technology Center Art Unit 4136 for action on the merits commensurate with this decision.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center TC 3700

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)

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

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

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: AA 1774 US	Application Number (if known): 12280939	Filing date: 2008-08-27
------------------------------------	---	-------------------------

First Named Inventor: Louise Clare Arnold

Title: Exhaust System for a Spark-Ignited Internal Combustion Engine

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

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

- By filing this petition:

Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.
- By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.
- This request is accompanied by statements of special status for the eligibility requirement.
- The application contains no more than three (3) independent claims and twenty (20) total claims.
- The application does not contain any multiple dependent claims.
- Other attachments: _____

Signature /Stephen J. Driscoll/	Date 2011-01-26
---------------------------------	-----------------

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

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

*Total of ¹ forms are submitted.

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

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

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

**Instruction Sheet for
Petition to Make Special Under the Green Technology Pilot Program**
(Not to be Submitted to the USPTO)

The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at http://www.uspto.gov/patents/init_events/green_tech.jsp):

- 1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.
- 2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- 3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- 4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- 5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- 6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

Privacy Act Statement

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

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

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



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.
12/280,939	08/27/2008	Louise Clare Arnold	AA 1774 US	6098
95567	7590	02/02/2011	EXAMINER	
RatnerPrestia (JM) P.O. Box 980 Valley Forge, PA 19482-0980			KLASTERKA, AUDREY ELLEN	
			ART UNIT	PAPER NUMBER
			3748	
			MAIL DATE	DELIVERY MODE
			02/02/2011	PAPER

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

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



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

In re Application of	:	
ARNOLD, LOUISE CLARE et al	:	DECISION ON PETITION
Application No. 12/280,939	:	TO MAKE SPECIAL UNDER
Filed: Aug. 27, 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. AA1774US	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed Jan. 26, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **dismissed**.

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

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

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

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

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

The petition lacks items # 4 and #8.

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard. For example, it is not clear how the claimed conventional flow-through monolith substrate of claims 1 and 11 will provide and enhance the quality of the environment or contribute to energy conservation or greenhouse gas reduction. It is also noted dependent claims 9- 10 are merely directed a spark-plug ignited internal combustion engine with exhaust system and vehicle which have nothing to do with claim 1 (4th paragraph of 35 USC 112).

In regard to item 8, petitioner should note that since no request in compliance with 37 CFR 1.219 has been made for the early publication of the present application and the publication fee as set forth in 37 CFR 1.18(d) has not been received, the petition is dismissed.

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

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

The application is currently undergoing pre-examination processing. The application will be forwarded to the Technology Center Art Unit 3748 for action in its regular turn.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist

Technology Center 3700

THE UNITED STATES PATENT & TRADEMARK OFFICE

In re Application of Arnold et al.

Application No.: 12/280,939

Confirmation No.: 6098

Docket No.: AA 1774 US

Filed: August 27, 2008

Title: Exhaust System for a Spark-Ignited
Internal Combustion Engine

Examiner: (Unknown)

Art Unit: (not yet available)

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

PETITION FOR RECONSIDERATION

This is in response to the Decision on Petition to Make Special Under the Green Technology Pilot Program dated February 2, 2011, having a period for response set to expire on March 4, 2011.

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

As required by the Decision, Applicant submits herewith a Statement of Materiality of Claim Invention to Enhance Quality of Environment.

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

Respectfully submitted,

Date: March 4, 2011

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

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

THE UNITED STATES PATENT & TRADEMARK OFFICE

In re Application of Arnold et al.

Application No.: 12/280,939

Confirmation No.: 6098

Docket No.: AA 1774 US

Filed: August 27, 2008

Title: Exhaust System for a Spark-Ignited
Internal Combustion Engine

Examiner: (Unknown)

Art Unit: (not yet available)

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

Statement of Materiality of Claim Invention to Enhance Quality of Environment

The claimed invention is directed at a more efficient combustion system that will reduce harmful gases such as CO, hydrocarbons (HCs) and NO_x. The ill-effects of these gases in the environment are well known. For example, CO is toxic, HCs are known greenhouse gases, and NO_x play a significant role in atmospheric reactions that create harmful particulate matter, ground-level ozone (smog), acidifying nitrate deposition (acid rain), ozone depletion, and greenhouse effects. Therefore, any system or process that reduces their emission is enhancing the quality of the environment.

By way of background, a three-way catalyst (TWC) converts CO, HCs and NO_x in an exhaust stream to CO₂, H₂O and N₂, providing that stoichiometric amounts are maintained. Specifically, as set forth in ¶0002, 0003:

As is well known in the art, the quantity of carbon monoxide (CO), unburned hydrocarbons (HC) and nitrogen oxides (NO_x) emitted when gasoline fuel is combusted in a spark-ignited internal combustion engine is influenced predominantly by the air-to-fuel ratio in the combustion cylinder. An exhaust gas having a stoichiometrically balanced composition is one in which the concentrations of oxidising gases (NO_x and O₂) and reducing gases (HC and CO) are substantially matched.

...
Theoretically, it should be possible to achieve complete conversion of O₂, NO_x, CO and HC in a stoichiometrically balanced exhaust gas composition to CO₂, H₂O and N₂ and this is the duty of a so-called three-way catalyst [TWC]. Ideally, therefore, the engine should be operated in such a way that the air-to-fuel ratio of the combustion mixture produces the stoichiometrically balanced exhaust gas composition.

The ability of a traditional TWC to convert NO_x, CO and HC is diminished, however, when stoichiometric amounts are not maintained. Specifically as set forth in ¶0004:

It should be appreciated that the reduction of NO_x to N₂ using a TWC is less efficient when the exhaust gas composition is lean of stoichiometric. Equally, the TWC is less able to oxidise CO and HC when the exhaust gas composition is rich. The challenge, therefore, is to maintain the composition of the exhaust gas flowing into the TWC at as close to the stoichiometric composition as possible.

Furthermore, given the changing conditions of internal combustion engines, maintaining steady-state stoichiometry is difficult to do as stated in ¶0006:

Of course, when the engine is in steady state it is relatively easy to ensure that the air-to-fuel ratio is stoichiometric. However, when the engine is used to propel a vehicle, the quantity of fuel required changes transiently depending upon the load demand placed on the engine by the driver. This makes controlling the air-to-fuel ratio so that a stoichiometric exhaust gas is generated for three-way conversion particularly difficult. . . .

To mitigate this problem, an oxygen storage component (OSC) was developed to absorb or liberate oxygen as needed and thus keep the reactants as close to stoichiometric as possible. Specifically, ¶0007 states as follows:

When the exhaust gas composition is slightly rich of the set point, there is a need for a small amount of oxygen to consume the unreacted CO and HC, i.e. to make the reaction more stoichiometric. Conversely, when the exhaust gas goes slightly lean, the excess oxygen needs to be consumed. This was achieved by the development of the oxygen storage component which liberates or absorbs oxygen during the perturbations. The most commonly used oxygen storage component (OSC) in modern TWCs is cerium oxide (CeO₂) or a mixed oxide containing cerium, e.g. a Ce/Zr mixed oxide.

It is also important that the air (oxygen)-to-fuel ratio be closely monitored by “Lambda sensors” to maintain stoichiometry. As set forth in ¶0009:

A typical sensor arrangement for a modern TWC is to dispose a first lambda sensor for contacting exhaust gas on an upstream side of the TWC and a second lambda sensor for contacting exhaust gas on a downstream side of the TWC, i.e. to contact exhaust gas leaving the TWC. The first sensor is used to control the air-to-fuel ratio of the engine by closed loop control by inputting the sensor reading to an engine control unit. Principally, the second sensor is used for two purposes: to "trim" the control of the air-to-fuel ratio of the engine, which is the primarily the purpose of the first lambda sensor; and for use in on board diagnostics.

There is a known desire to eliminate the use of both lambda sensors. Eliminating a lambda sensor is known not only to lower costs, but also to improve performance. As set forth in ¶0011:

Lambda sensors are expensive and it has been suggested recently to remove one lambda sensor and run the system on a single lambda sensor disposed within or immediately downstream of the TWC (see for example WO 2005/064139, the entire contents of which is incorporated herein by reference). Not only can this make the system overall less costly, but it is believed that, by locating the single lambda probe more intimately with the TWC, it is possible to reduce the time lag associated with adjusting air-to-fuel ratio, to control the lambda value of the exhaust gas more accurately and thereby increase the conversion efficiency. It may even be possible to use smaller TWCs comprising less of the expensive precious metal active components.

Although using just one sensor has known advantages, it also presents challenges as set forth in ¶0013:

Using a single lambda sensor located within, or downstream of, the TWC substrate, presents the problem of how to control the engine air-to-fuel ratio to a similar extent as is provided by a prior art system wherein one lambda sensor is located upstream of the TWC substrate and another is located downstream.

The claimed exhaust system overcomes this problem by monitoring exhaust gas that has not been affected by the OSC. Specially, as set forth in ¶0013:

The present invention solves this problem by allowing the single lambda sensor to "see" exhaust gas that has contacted less, or no, OSC. Accordingly the system is able to react to macro fluctuations in exhaust gas composition more quickly than if the single lambda sensor was located downstream of a "normal" TWC

substrate, i.e. a substrate that is homogeneously coated with a TWC composition. This increases the level of control and design options available to the skilled engineer.

Therefore, the single lambda sensor configuration of the claimed invention enables the emissions control system to react more quickly to changes in redox composition, thus improving conversion rates of harmful gases. For example, referring to Fig. 7 of the application, a bar graph is shown with the average NOx conversion efficiency results for an O2 charge test comparing a homogeneously coated (normal) TWC substrate and TWC substrates according to the invention.

In sum, the claim 1 relates to an improved exhaust system which reduces emissions of harmful gases such as CO, HC and NOx and therefore enhances the environment. Claims 9 and 10 depend from claim 1, and further recite that the exhaust system is incorporated into a spark-initiated internal combustion engine, and into a vehicle, respectively.

Respectfully submitted,

Date: March 4, 2011

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

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



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.
12/280,939	08/27/2008	Louise Clare Arnold	AA 1774 US	6098
95567	7590	03/15/2011	EXAMINER	
RatnerPrestia (JM)			KLASTERKA, AUDREY	
P.O. Box 980			ART UNIT	PAPER NUMBER
Valley Forge, PA 19482-0980			3748	
			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.



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

In re Application of	:	
ARNOLD, LOUISE CLARE et al	:	DECISION ON PETITION
Application No. 12/280,939	:	TO MAKE SPECIAL UNDER
Filed: Aug. 27, 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. AA1774US	:	PILOT PROGRAM

This is a decision on the renewed petition under 37 CFR 1.102, filed March 4, 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 **denied**.

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

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.

A review of the record shows that the instant renewed petition was filed more than one month after the mailing date of the last decision of Feb. 2, 2011. The petition is not timely filed since the petition was not filed within one month of the last decision. As the renewed petition was not timely filed, the request to make the current application special under the green technology program will not be granted.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. The application is being forwarded to the Technology Center Art Unit 3748 for action in its regular turn.

Since this is a decision for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center 3700



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/280,939	08/27/2008	Louise Clare Arnold	AA 1774 US	6098
95567	7590	03/23/2011	EXAMINER	
RatnerPrestia (JM)			KLASTERKA, AUDREY	
P.O. Box 980			ART UNIT	PAPER NUMBER
Valley Forge, PA 19482-0980			3748	
			MAIL DATE	DELIVERY MODE
			03/23/2011	PAPER

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

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



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

In re Application of	:	
ARNOLD, LOUISE CLARE et al	:	DECISION ON PETITION
Application No. 12/280,939	:	TO MAKE SPECIAL UNDER
Filed: Aug. 27, 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. AA1774US	:	PILOT PROGRAM

It was discovered that the renewed petition filed on March 4, 2011 was timely within the 30 days time period set for request for reconsideration. Therefore, the decision mailed on March 15, 2011 was in error and is hereby vacated.

This is a decision on the renewed petition under 37 CFR 1.102, filed March 4, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **granted**.

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

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

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of

the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

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

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

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

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

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center TC 3700



07 SEP 2010

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

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

In re Application of :
FUNABASHI et al. :
Application No.: 12/280,959 : DECISION
PCT No.: PCT/JP2007/054369 :
Int. Filing Date: 28 February 2007 :
Priority Date: 28 February 2006 :
Attorney's Docket No.: 1500.6625 :
For: BATTERY CHARGER :

This decision is in response to applicant's "REQUEST TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR 1.181" filed in the United States Patent and Trademark Office (USPTO) on 11 August 2010. No petition fee is required.

BACKGROUND

On 28 February 2007, applicant filed international application PCT/JP2007/054369, which designated the United States and claimed a priority date of 28 February 2006. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 13 September 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 28 August 2008.

On 27 August 2008, applicant filed a transmittal letter for entry in to the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 25 September 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) 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 as to the United States of America for failure to respond the NOTIFICATION OF MISSING REQUIREMENTS mailed 25 September 2008.

On 11 August 2010, applicants filed the instant petition under 37 CFR 1.181. The petition was accompanied by, *inter alia*, a copy of an Acknowledgement Receipt dated 25 November 2008 from the USPTO for a submission filed via electronic filing and a copy of a declaration of the inventors.

DISCUSSION

Applicant has provided sufficient evidence to establish that on 25 November 2008 applicant filed the instant declaration. The proof is in the form of the copy of the Acknowledgement Receipt for the above-identified application which bears a United States Patent and Trademark Office date of 25 November 2008 and which itemizes a declaration. This Acknowledgement Receipt also identifies the above-captioned application number, title, and attorney docket number. Accordingly, it is appropriate, on the present record, to accept the declaration filed 11 August 2010 as having been originally filed in the USPTO on 25 November 2008.

The declaration of inventors filed 25 November 2008 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

The petition under 37 CFR 1.181 is **GRANTED** for the reasons set forth above.

The NOTIFICATION OF ABANDONMENT mailed 10 June 2010 is **VACATED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301



UNITED STATES PATENT AND TRADEMARK OFFICE

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

**LRK PATENT LAW FIRM
1952 GALLOWS RD
SUITE 200
VIENNA VA 22182**

MAILED

MAY 3 1 2011

OFFICE OF PETITIONS

In re Application of :
Kim et al. :
Application No. 12/280,988 : **DECISION ON PETITION**
Filed: July 28, 2010 :
Attorney Docket No. P10129US :

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

The petition is **GRANTED**.

This application became abandoned for failure to timely submit Corrected Drawings on or before March 15, 2011, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed December 15, 2010. Accordingly, the date of abandonment of this application is March 16, 2011. A Notice of Abandonment was mailed March 30, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) Corrected Drawings, (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 Publishing Division for processing into a patent and review of the Corrected Drawings submitted with the instant petition.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions



15 SEP 2010

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

WENDEROTH, LIND & PONACK L.L.P.
1030 15TH STREET, N.W.
SUITE 400 EAST
WASHINGTON, DC 20005-1503

In re Application of MIZUUCHI et al	:	
U.S. Application No.: 12/281,058	:	
PCT Application No.: PCT/JP2007/053268	:	
Int. Filing Date: 22 February 2007	:	DECISION
Priority Date Claimed: 03 March 2006	:	
Attorney Docket No.: 2008_1534A	:	
For: ILLUMINATION LIGHT SOURCE DEVICE	:	
AND LASER PROJECTION DEVICE	:	

This is in response to applicant's "Request for Corrected Notice of Acceptance" filed 28 January 2009, which is being treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 22 February 2007, applicant filed international application PCT/JP2007/053268, which claimed priority of an earlier Japan application filed 03 March 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 07 September 2007. The thirty-month period for paying the basic national fee in the United States expired on 03 September 2008.

On 28 August 2008, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 01 December 2008, the DO/EO/US mailed a Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903).

On 28 January 2009, applicant filed the instant petition under 37 CFR 1.181.

DISCUSSION

The petition states that the Notice of Acceptance contains an incorrect date of completion of all 35 U.S.C. 371 requirements (i.e. 03 September 2008).

A review of the application file reveals that the date of completion of all 35 U.S.C. 371 requirements was 28 August 2008 in accordance with MPEP 1893.03(b).

CONCLUSION

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

The Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) mailed 01 December 2008 is hereby VACATED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a corrected Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903). The corrected Form PCT/DO/EO/903 should indicate: (1) a date of completion of all 35 U.S.C. 371 requirements of 28 August 2008 and (2) receipt of applicant's express request to begin national examination procedures under 35 U.S.C. 371(f).


Bryan Lin
PCT Legal Examiner
PCT Legal Office

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



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

WENDEROTH, LIND & PONACK L.L.P.
1030 15th Street, N.W.
Suite 400 East
Washington DC 20005-1503

MAILED

OCT 13 2010

OFFICE OF PETITIONS

In re Application :
Mizuuchi, et al. :
Application No. 12/281,058 : PATENT TERM ADJUSTMENT
Filing or 371(c) Date: August 28, 2008 :
Dkt. No.: 2008_1534A :

This is in response to the "APPLICATION FOR PATENT TERM ADJUSTMENT," filed September 2, 2010. This matter is being properly treated pursuant to 37 CFR 1.705(b). Applicants request that the patent term adjustment be increased from 72 days to 78 days.

The request for reconsideration of patent term adjustment is **GRANTED**.

Applicants submit that the correct patent term adjustment to be indicated on the patent is 78 days, not 72 days as calculated by the Office as of the mailing of the initial determination of patent term adjustment mailed July 13, 2010.

A review of the record reveals that, as argued, the application is entitled to an adjustment of 78 days pursuant to 37 CFR 1.702(a)(1). The adjustment commenced October 29, 2009 and ended January 14, 2010. See, 37 CFR 1.703(a)(1).

In view thereof, as of the time of allowance, the application is entitled to a patent term adjustment of 78 days, as argued

The \$200.00 patent term adjustment application required per 37 CFR 1.18(e) has been charged to the authorized deposit account.

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

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

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

Enclosure: Adjusted PAIR Calculation

Day : Sunday
Date: 10/10/2010

PALM INTRANET

Time: 08:22:53

PTA Calculations for Application: 12/281058

Application Filing Date:	08/28/2008	PTO Delay (PTO):	72
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	0
Post-Issue Petitions:	0	Total PTA (days):	78
PTO Delay Adjustment:	6		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
67	10/10/2010	ADJUSTMENT OF PTA CALCULATION BY PTO	78		
66	10/10/2010	ADJUSTMENT OF PTA CALCULATION BY PTO		72	
39	07/13/2010	MAIL NOTICE OF ALLOWANCE			
38	07/08/2010	ISSUE REVISION COMPLETED			
37	07/08/2010	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
36	07/08/2010	DOCUMENT VERIFICATION			
35	07/06/2010	NOTICE OF ALLOWABILITY			
29	04/28/2010	DATE FORWARDED TO EXAMINER			
28	04/14/2010	RESPONSE AFTER NON-FINAL ACTION			
27	04/14/2010	SUBSTITUTE SPECIFICATION FILED			
26	01/14/2010	MAIL NON-FINAL REJECTION	72		9
25	01/13/2010	NON-FINAL REJECTION			
19	11/03/2009	CASE DOCKETED TO EXAMINER IN GAU			
18	05/14/2009	CASE DOCKETED TO EXAMINER IN GAU			
17	03/12/2009	PG-PUB ISSUE NOTIFICATION			
16	02/13/2009	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
14	01/28/2009	MISCELLANEOUS INCOMING LETTER			
10	12/22/2008	APPLICATION DISPATCHED FROM OIPE			
9	09/03/2008	371 COMPLETION DATE			
8	12/01/2008	SENT TO CLASSIFICATION CONTRACTOR			
7	12/01/2008	FILING RECEIPT			
6	12/01/2008	NOTICE OF DO/EO ACCEPTANCE MAILED			

Search Another: Application#



UNITED STATES PATENT AND TRADEMARK OFFICE

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

DRINKER BIDDLE & REATH (DC)
1500 K STREET, N.W.
SUITE 1100
WASHINGTON, DC 20005-1209

MAILED

JUL 14 2011

OFFICE OF PETITIONS

In re Application of :
Shigeki Matsuura et al :
Application No. 12/281,069 : ON PETITION
Filed: September 5, 2008 :
Attorney Docket No. 046884-5648 (428256) :

This is a decision on the petition, filed July 13, 2011 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on June 15, 2011 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

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

This matter is being referred to Technology Center AU 2881 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/281,113 08/28/2008 Bianling Zhang UNT0002US 7854
EXAMINER GREGORY, SHAUN
ART UNIT 2432 PAPER NUMBER
NOTIFICATION DATE 11/23/2011 DELIVERY MODE ELECTRONIC

7590 11/23/2011
CANTOR COLBURN LLP
20 Church Street
22nd Floor
Hartford, CT 06103

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.

Mimi Turner
Patent Publication Branch
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

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

FULBRIGHT & JAWORSKI L.L.P.
600 CONGRESS AVE.
SUITE 2400
AUSTIN TX 78701

MAILED

JUN 07 2011

OFFICE OF PETITIONS

In re Application of :
Edward H. Lin :
Application No. 12/281,160 : **DECISION ON PETITION**
Filed: November 20, 2008 :
Attorney Docket No. UTSC:961US/ 10702700 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 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 October 4, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 5, 2011. A Notice of Abandonment was mailed on April 14, 2011.

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

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

This application is being referred to Technology Center AU 1623 for appropriate action by the Examiner in the normal course of business on the reply received May 13, 2011.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
12/281194	08/02/10	Thomas D. Schmittgen	18525/04237

DATE MAILED: December 21, 2010

CALFEE HALTER & GRISWOLD, LLP
800 SUPERIOR AVENUE
SUITE 1400
CLEVELAND OH 44114

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:

- 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).
- The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
- The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (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.

Any inquiries concerning this decision should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
12/281,194 08/02/2010 Thomas D. Schmittgen 18525/04237 9191
7590 01/05/2011
CALFEE HALTER & GRISWOLD, LLP
800 SUPERIOR AVENUE
SUITE 1400
CLEVELAND, OH 44114
EXAMINER
ART UNIT 1635 PAPER NUMBER
NOTIFICATION DATE 01/05/2011 DELIVERY MODE ELECTRONIC

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

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

The petition is dismissed.

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

- 1. [] The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. [] The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. [X] The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. [] The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Betty Powell

Patent Publication Branch
Office of Data Management

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : **02/03/11**

TO SPE OF : ART UNIT: **2872 Attn: ALLEN STEPHONE B (SPE)**

SUBJECT : Request for Certificate of Correction for Appl. No.: **12/281257** Patent No.: **7859747**

CofC Mailroom date: **02/20/11**

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

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

Thank You For Your Assistance

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

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

Specify below which changes do not apply.

Denied

State the reasons for denial below.

Comments: _____

Stephone B. Allen
Supervisory Patent Examiner

[Handwritten Signature]
SPE

2872
Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : March 12, 2012

In re Application of :

Dillon Inouye

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12281262

Filed : 10-Jun-2009

Attorney Docket No : 16489.3A.3

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed March 12, 2012 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

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

This application file is being referred to Technology Center AU 2168 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)
Application Number	12281262
Filing Date	10-Jun-2009
First Named Inventor	Dillon Inouye
Art Unit	2168
Examiner Name	SHIOW-JY FAN
Attorney Docket Number	16489.3A.3
Title	HYPERSPACE INDEX

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	/J. LaVar Oldham 53409/
Name	J. LaVar Oldham
Registration Number	53409



16 AUG 2010

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

Biesse, Philippe
7, Rue de l'Esperance
Bellegarde 30127 FR

In re Application of:

BIESSE, Phillipe

U.S. Application No.: 12/281,324

PCT No.: PCT/FR2007/000359

International Filing Date: 28 February 2007

Priority Date: 03 March 2006

Attorney Docket No.: None

For: UNIVERSAL SOLE

DECISION ON PETITION

The present decision is issued in response to the "Renewed Petition Under 37 CFR 1.137(b)" filed 12 July 2010.

For the reasons discussed below, the petition is **DISMISSED AS MOOT**.

On 14 May 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an English translation of the international application and payment of the \$130 processing fee for filing the English translation later than thirty months after the priority date. The Notification provided applicant with a two-month response period.

On 08 July 2010, applicants submitted correspondence entitled "Response to notification of missing requirements under 35 U.S.C. 371" accompanied by payment of the required \$130 processing fee. The correspondence indicated that the required English translation was being forwarded by courier.

On 12 July 2010, the English translation of the international application was filed herein, accompanied by the correspondence entitled "Renewed Petition Under 37 CFR 1.137(b)."

The purported "Renewed Petition Under 37 CFR 1.137(b)" simply identifies the accompanying materials as the required English translation of PCT/FR2007/000359. Moreover, a petition under 37 CFR 1.137(b) is only applicable in an abandoned application. Here, based on applicant's timely response to the Notification Of Missing Requirements, the application is not abandoned. A petition under 37 CFR 1.137(b) is therefore not required or appropriate in the present circumstances.

The 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 12 July 2010.



Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459



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.
12/281,363	10/31/2008	Daniel Mauduit	ATL-0069	1533
23599	7590	03/07/2012	EXAMINER	
MILLEN, WHITE, ZELANO & BRANIGAN, P.C. 2200 CLARENDON BLVD. SUITE 1400 ARLINGTON, VA 22201			IHEZIE, JOSHUA K	
			ART UNIT	PAPER NUMBER
			3633	
			NOTIFICATION DATE	DELIVERY MODE
			03/07/2012	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):

docketing@mwzb.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

MAR - 6 2012

Millen, White, Zelano & Branigan, P.C.
2200 Clarendon Boulevard
Arlington, VA 22201

In re Application of: Daniel Mauduit : DECISION ON PETITION
Application No. 12/281,363 : UNDER 37 CFR 1.181
Filed: October 31, 2008 :
For: Toilet with Magnetic Attraction :
Between Bearing and Joint :

This is a decision on applicant's petition filed under 37 CFR 1.144 on August 24, 2011 to withdraw the restriction requirement in the Office action mailed on May 20, 2011.

The petition is **DISMISSED** as moot.

Applicant argues in the petition that since the instant application is a PCT application, there is no justification under PCT rulings for restricting applicant's invention to a single species as required by the restriction requirement mailed on May 20, 2011.

A review of the file history shows that a species election requirement was mailed to applicant on May 20, 2011, in which applicant is required to elect between species I-VII. Applicant filed a response on June 20, 2011 electing with traverse species V, Fig. 17 on which claims 1-7 and 9-19 were readable. The traversal was on the grounds that the claims have a general inventive concept of providing means (5, 5', 5'') in the journal (20, 20') of the mobile element (2, 2') as well as a magnetic means (6') in the bowl or more specifically in the bearing (4, 4') of the bowl. Subsequently, in a non-final Office action mailed on August 4, 2011 the examiner answered the applicant's traversal and contended that the different structural features of the different embodiments would cause an undue burden on the examiner. In response to the non-final Office action, applicant timely filed a petition on August 24, 2011. Applicant then also filed an amendment and request for reconsideration on November 4, 2011. In response to the applicant's amendment, the examiner had an interview with the applicant on November 9, 2011 and subsequently allowed the application on December 16, 2011. When the examiner allowed the application, the examiner indicated that the election requirement between species I-VII was withdrawn because of the allowance of a generic claim.

Since the election requirement was withdrawn by the examiner upon allowance of the application and all of the claims 1-19 have been allowed, the present petition is hereby dismissed as being moot.

Any inquiries related to this decision may be directed to Supervisory Patent Examiner Brian Glessner at 571-272-6754.


Katherine Matecki, Director
Technology Center 3600
(571) 272-5250

KM/BG: 2/17/12

LM



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.
12/281,389	09/02/2008	Masaaki Ichihara	476/137	1732
23838	7590	03/21/2011	EXAMINER	
KENYON & KENYON LLP 1500 K STREET N.W. SUITE 700 WASHINGTON, DC 20005			ZIMMERMAN, BRIAN A	
			ART UNIT	PAPER NUMBER
			2612	
			MAIL DATE	DELIVERY MODE
			03/21/2011	PAPER

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON DC 20005

In re Application of	:	
ICHIHARA, MASA AKI	:	DECISION ON REQUEST TO
Application No. 12/281,389	:	PARTICIPATE IN PATENT
Filed: September 2, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 476/137	:	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 4, 2011 to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

Telephone inquiries concerning this decision should be directed to Daniel Swerdlow at 571-272-7531.

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.

/ 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

Stolowitz Ford Cowger LLP
621 SW Morrison St
Suite 600
Portland OR 97205

MAILED

MAR 21 2011

In re Application of
Wolfram Haarmann
Application No. 12/281,466
Filed: September 2, 2008
Attorney Docket No. 2525-1003

OFFICE OF PETITIONS
DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed February 4, 2011.

The request is **NOT APPROVED**.

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

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

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

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

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

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

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Stolowitz Ford Cowger LLP
621 SW Morrison St.
Suite 600
Portland, OR 97205

MAILED
APR 11 2011
OFFICE OF PETITIONS

In re Application of :
Wolfram Haarmann :
Application No. 12/281,466 : **DECISION ON PETITION**
Filed: September 2, 2008 : **TO WITHDRAW**
Attorney Docket No. 2525-1003 : **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 March 24, 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 Michelle Craig 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 Wolfram Haarmann at the address indicated below.

The application became abandoned for failure to respond to the examiner's Office action mailed September 7, 2010.

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: **Wolfram Haarmann**
Canzler & Bergmeier
Friedrich-Ebert-Str. 84
Ingolstadt 85055 DE GERMANY



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/281,466	09/02/2008	Wolfram Haarmann	2525-1003

CONFIRMATION NO. 2330

POWER OF ATTORNEY NOTICE



73552
Stolowitz Ford Cowger LLP
621 SW Morrison St
Suite 600
Portland, OR 97205

Date Mailed: 04/08/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/24/2011.

- 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

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 an executed declaration, (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) - (4) under 37 CFR 1.137(b).

DECISION

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

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing. The 35 USC 371(c)(1),(c)(2), and (c)(4) date of this application is **02 August 2010**.


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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

RATNERPRESTIA
P.O. BOX 980
VALLEY FORGE PA 19482

MAILED
JUL 28 2011
OFFICE OF PETITIONS

In re Application of Koike et al. :
Application No. 12/281,553 : DECISION NOTING JOINDER OF
Filed: October 23, 2008 : INVENTOR AND PETITION
Attorney Docket No. MAT-10187US : UNDER 37 CFR 1.47(A)
:

Papers have been filed on October 23, 2008 in response to a "Decision Refusing Status Under 37 CFR 1.47(a)," mailed September 22, 2008, and include a Declaration that is signed by a previously non-signing inventor, Leow, in compliance with 37 CFR 1.63.

The petition is **DISMISSED AS MOOT**.

In view of the joinder of the inventor, further consideration under § 1.47(a) is not necessary. This application does not have any Rule 1.47 status and no such status should appear on the record for this file. This application need not be returned to this Office for any further consideration under 37 CFR 1.47(a).

This application is being returned to Art Unit 2614 for processing in the normal course of business.

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

Charlema Grant
Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 10/21/11

TO SPE OF : ART UNIT 1629

SUBJECT : Request for Certificate of Correction for Appl. No.: 12281561 Patent No.: 7795309

CofC mailroom date: 10/05/11

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (CofC)

Randolph Square – 9D10-A

Palm Location 7580

You can fax the Directors/SPE response to 571-273-3421

Note: **Should the changes be made to Specifications & Claims?**

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: _____


ARDIN H. MARSCHER
SUPERVISORY PATENT EXAMINER

1636

SPE

Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

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

SANCHELIMA & ASSOCIATES, P.A.
JESUS SANCHELIMA, ESQ.
235 S.W. LE JEUNE ROAD
MIAMI FL 33134

MAILED
AUG 01 2011
OFFICE OF PETITIONS

In re Application of
Alejandro Campos Gines
Application No.12/281,578
Filed: February 13, 2009
Attorney Docket No. **280280**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed July 20, 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 Jesus Sanchellma on behalf of all attorneys of record who are associated with Customer Number 01818.

All attorneys/agents associated with Customer Number 01818 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 Alejandro Campos Gines at the address listed in the request.

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

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

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Alejandro Campos Gines
Camino de Seradilla
Placencia Spain E10600



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
12/281,578	02/13/2009	Alejandro Campos Gines	280280

CONFIRMATION NO. 3541

POWER OF ATTORNEY NOTICE

1818
SANCHELIMA & ASSOCIATES, P.A.
JESUS SANCHELIMA, ESQ.
235 S.W. LE JEUNE ROAD
MIAMI, FL 33134



Date Mailed: 08/01/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/20/2011.

- 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

Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)
Application Number	12281588
Filing Date	03-Sep-2008
First Named Inventor	Gustavo Larsen
Art Unit	1717
Examiner Name	ANDREW BOWMAN
Attorney Docket Number	LARSEN588
Title	METHOD OF MANUFACTURING FIBROUS HEMOSTATIC BANDAGES

An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).

A grantable petition requires the following items:

- (1) Petition fee; and
- (2) One of the following reasons:
 - (a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;
 - (b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or
 - (c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).

Petition Fee

- Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).
- Applicant(s) status remains as SMALL ENTITY.
- Applicant(s) status remains as other than SMALL ENTITY

Reason for withdrawal from issue

- One or more claims are unpatentable
- Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

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

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

Signature	/LOUIS VENTRE JR/
Name	Louis Ventre, Jr.
Registration Number	46254



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : March 8, 2012
In re Application of :
Gustavo Larsen
Application No : 12281588
Filed : 03-Sep-2008
Attorney Docket No : LARSEN588

DECISION ON PETITION
UNDER CFR 1.313(c)(3)

This is an electronic decision on the petition under 37 CFR 1.313(c)(3), filed March 8, 2012, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

Petitioner requests that the above-identified application be withdrawn from issue for express abandonment.
See 37 CFR 1.313(c)(3).

The application is hereby withdrawn from issue, and the abandonment is hereby recognized.

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

Office of Petitions



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

MAILED
DEC 13 2011
OFFICE OF PETITIONS

In re Application of :
Eric Laporte Rosello et al. :
Application No. 12/281,614 : **ON PETITION**
Filed: January 19, 2009 :
Attorney Docket No: **HERR33.001APC** :

This is a decision on the petition filed November 29, 2011 under 37 CFR 1.137(b),¹ to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned June 20, 2011 for failure to timely reply to the non-Final Office Action mailed March 17, 2011 within the shortened statutory period of three months set for reply. Accordingly, a Notice of Abandonment was mailed October 7, 2011.

This matter is being referred to Technology Center 3731 for appropriate action on the amendment filed November 29, 2011.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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

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

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

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED
DEC 23 2010
OFFICE OF PETITIONS

In re Application of :
Takashi BESSHO :
Application No. 12/281,644 : DECISION GRANTING PETITION
Filed: September 4, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **08082** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed December 22, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

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

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

This application is being referred to Technology Center AU 3747 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

LAWRENCE R. OREMLAND, P.C.
5055 E. BROADWAY BLVD.
SUITE C-214
TUCSON AZ 85711

MAILED
MAY 26 2011
OFFICE OF PETITIONS

In re Application of :
Beroth et al. :
Application No. 12/281,755 : **DECISION ON PETITION**
Filed: September 4, 2008 :
Attorney Docket No. 6190.104US :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 1, 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 4, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 5, 2010. A Notice of Abandonment was mailed February 14, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee of \$810.00, and (3) a proper statement of unintentional delay.

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

This application is being referred to Technology Center AU 1777 for appropriate action by the Examiner in the normal course of business on the reply received.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

MAR 19 2012

OFFICE OF PETITIONS

JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017

In re Patent No. 8,097,760
Issued: January 17, 2012
Application No. 12/281,819
Filed: January 30, 2009
Dkt. No.: 4821-698-999

: DECISION ON PATENT TERM
: ADJUSTMENT and NOTICE OF INTENT
: TO ISSUE CERTIFICATE OF
: CORRECTION
:

This is a decision on the petition filed on March 7, 2012 requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by 371 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 371 days is **GRANTED**.

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

The application is being forwarded to the Certificates of Corrections Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by 371 days.

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

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

/ALEZIA M. BROWN/

Alesia M. Brown
Attorney Adviser
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 8,097,760

DATED : January 17, 2012

DRAFT

INVENTOR(S) : Zhao, 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 338 days

Delete the phrase "by 338 days" and insert – by 371 days--



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1430
Alexandria, Virginia 22313-1450
www.uspto.gov

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
12/281,876 01/21/2009 Willi Platz 056226.60643US 6577

7590 03/07/2012
CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

EXAMINER

BLOOM, NATHAN J

ART UNIT PAPER NUMBER

2624

NOTIFICATION DATE DELIVERY MODE

03/07/2012

ELECTRONIC

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

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

The petition is dismissed.

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

- 1. The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Handwritten signature: Nicole James
Patent Publication Branch
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED
JAN 30 2012
OFFICE OF PETITIONS

In re Application of :
Reinhard LATZA :
Application No. 12/281,892 : **DECISION ON PETITION**
Filed: December 15, 2008 : **TO WITHDRAW**
Attorney Docket No. 29012/43660 : **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 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 Heather R. Kissling behalf of the attorneys of record associated with Customer No. 04743.

The attorneys of record associated with Customer No. 04743 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 address indicated below until otherwise properly notified by the applicant.

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

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: REINHARD LATZA
BLUCHER STRABE 47A
ST. INGBERT SAARLAND 66386
GERMANY



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/281,892	12/15/2008	Reinhard Latza	29012/43660

CONFIRMATION NO. 6728

POWER OF ATTORNEY NOTICE

4743
MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE
6300 WILLIS TOWER
CHICAGO, IL 60606-6357



Date Mailed: 01/25/2012

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/06/2012.

- 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.

/dcgoodwyn/

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

K&L Gates LLP
P.O. Box 1135
CHICAGO IL 60690

MAILED

NOV 19 2010

PCT LEGAL ADMINISTRATION

In re Application of:
LIEN, Wen, Sze., et al. :
U.S. Application No.: 12/281,924 :
PCT No.: PCT/EP2006/060564 :
International Filing Date: 08 March 2006 :
Priority Date: 08 March 2006 :
Attorney Docket No.: 112701-901 :
For: A SHELF-STABLE COOKING AID :
AND A PROCESS FOR ITS :
PREPARATION :

**DECISION ON RENEWED
PETITION**

This decision is issued in response to the “Renewed Petition Under 37 CFR 1.137(b)” filed 18 October 2010. Applicants have previously paid the required petition fee.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed on 26 July 2010. The decision dismissed without prejudice the petition for revival under 37 CFR 1.137(b) filed by applicants on 07 June 2010. Specifically, the decision found that applicants had not provided the “required reply” in the form of an oath or declaration in compliance with 37 CFR 1.497.

On 18 October 2010, applicants filed the “Renewed Petition under 37 CFR 1.137(b)” considered herein (with required extension fee).

DISCUSSION

The present renewed petition was accompanied by an executed declaration in compliance with 37 CFR 1.497. This declaration satisfies the “required reply” element of a grantable petition for revival under 37 CFR 1.137(b).

Based on the above, applicants have now satisfied the final outstanding element of a grantable petition under 37 CFR 1.137(b). The petition is therefore appropriately granted.

CONCLUSION

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

The present national stage 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 18 October 2010.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459



UNITED STATES PATENT AND TRADEMARK OFFICE

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

PERKINS COIE LLP
P.O. BOX 1208
SEATTLE, WA 98111-1208

MAILED

SEP 29 2010

In re Application of	:	OFFICE OF PETITIONS
Wei Yen, et al.	:	
Application No. 12/281,977	:	DECISION ON PETITION
Filed: July 13, 2009	:	TO WITHDRAW
Attorney Docket No.: 57159-8016.US01	:	FROM RECORD
	:	

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

The request is **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.

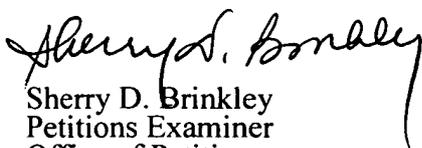
The request is filed by Jordan M. Becker on behalf of himself and all the practitioners of record associated with Customer No. 22918.

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 571-272-3204. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.


 Sherry D. Brinkley
 Petitions Examiner
 Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

**MOETTELI & ASSOCIATES SARL
ST. LEONHARDSTRASSE 4
ST. GALLEN CH-90-00 CH SWITZERLAND**

**MAILED
JUL 21 2011
OFFICE OF PETITIONS**

In re Application of :
Ringler, Marcel K. : **DECISION ON PETITION**
Application No. 12/281,992 : **TO WITHDRAW**
Filed: September 8, 2008 : **FROM RECORD**
Attorney Docket No. PUS-R004-001-N :

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 8, 2011.

The request is **NOT APPROVED**.

The Office strongly encourages practitioner(s) requesting withdrawal from representation as practitioner of record in an application to review the record to determine whether he or she is, in fact, of record and how he or she was made of record. For example, the practitioner(s) should determine whether he or she was appointed by naming each practitioner individually or through the use of a Customer Number. If the practitioner(s) was appointed by a specific designation, then the Request should ask that each specified practitioner be withdrawn and should list each practitioner(s) in the Request.

In the instant application, the practitioners were not appointed via Customer Number. Therefore, requesting to withdraw via Customer Number is not the appropriate course.

All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

There is an outstanding Office action mailed March 16, 2011 that requires a reply from the applicant.

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

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

CANTOR COLBURN LLP
20 Church Street
22nd Floor
Hartford CT 06103

MAILED
AUG 19 2011
OFFICE OF PETITIONS

In re Application :
Michel Gaudillat :
Application No. 12/282,136 :
Filed: February 24, 2009 :
Attorney Docket No. GER125US :

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed April 14, 2010. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

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

Your fee deficiency submission under 37 CFR 1.28 is hereby accepted. The petition is **GRANTED**.

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

This file is being forwarded to the Office of Publications.

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

/Kimberly Inabinet/
Kimberly Inabinet
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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.
12/282,260	12/08/2008	Yoshitaka Nojima	8100-1002	1048
466	7590	03/29/2011	EXAMINER	
YOUNG & THOMPSON 209 Madison Street Suite 500 Alexandria, VA 22314			HAROLD, JEFFEREY F	
			ART UNIT	PAPER NUMBER
			2422	
			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):

DocketingDept@young-thompson.com



UNITED STATES PATENT AND TRADEMARK OFFICE

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

YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria VA 22314

In re Application of: Nojima et al.
Application No. 12/282,260
Filed: December 8, 2008
For: AV PROCESSOR AND PROGRAM

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

MAILED

MAR 28 2011

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the renewed petition under 37 CFR 1.102(d), filed February 28, 2011, to make the above-identified application special.

The petition is **GRANTED**.

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

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

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

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

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

Telephone inquiries concerning this decision should be directed to Christopher Grant at 571-272-7294.

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

Application SN 12/282,260
Decision on Petition

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

/Christopher Grant/

Christopher Grant
Quality Assurance Specialist
Technology Center 2400

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 6/13/11

TO SPE OF : ART UNIT 1762

SUBJECT : Request for Certificate of Correction for Appl. No.: 12282261 Patent No.: 7932331

CofC mailroom date: 06/06/11

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

For all Paper Files SPE response to 571 270 0390

Note:

Lamonte Newsome

**Certificates of Correction Branch
571-272-3421**

Thank You For Your Assistance

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

Note your decision on the appropriate box.

- Approved**
 Approved in Part
 Denied

All changes apply.
Specify below which changes **do not** apply.
State the reasons for denial below.

SPE: Q Wu , Art Unit: 1762



UNITED STATES PATENT AND TRADEMARK OFFICE

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

PARFOMAK, ANDREW N.
NORRIS MCLAUGHLIN & MARCUS PA
875 THIRD AVE, 8TH FLOOR
NEW YORK, NY 10022

MAILED
NOV 03 2011
OFFICE OF PETITIONS

APPLICANT: DEDOMINICIS, et al.
Appl. No.: 12/282,276
International Filing Date: March 1, 2007
Title: AQUEOUS HIGHLY ACIDIC HARD SURFACE CLEANING COMPOSITIONS
Attorney Docket No.: 102792-533 (11794P3)
Pub. No.: US 2011/0039754 A1
Pub. Date: February 17, 2011

This is a decision on the request for correction of patent application publication under 37 CFR 1.221(b), received on April 5, 2011, 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 Sherry D. Brinkley at (571) 272-3204.

/Christopher Bottorff/

Christopher Bottorff
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

MORRISON & FOERSTER LLP
755 PAGE MILL RD
PALO ALTO, CA 94304-1018

MAILED
FEB 17 2011
OFFICE OF PETITIONS

In re Application of :
Neil Anderson. :
Application No. 12/282,292 : **DECISION ON PETITION**
Filed: January 21, 2009 : **TO WITHDRAW FROM RECORD**
Attorney Docket No. 3485-P10436US :
:

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 14, 2011.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that on February 9, 2011 the power of attorney to Morrison & Foerster LLP was revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: TRASKBRITT, P.C.
P.O. BOX 2550
SALT LAKE CITY UT 84110



UNITED STATES PATENT AND TRADEMARK OFFICE

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

**DICKSTEIN SHAPIRO LLP
1825 EYE STREET N.W.
WASHINGTON DC 20006-5403**

MAILED

SEP 26 2011

OFFICE OF PETITIONS

In re Patent No. 8,000,203 :
Issue Date: August 16, 2011 :
Application No. 12/282,306 :
Filed: September 9, 2008 :
Attorney Docket No. R2184.0686/P686 :

ON PETITION

This is a decision on the petition filed August 17, 2011, which is being treated as a request under 37 CFR 3.81(b)¹ to add the second name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3208. 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.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

¹ See MPEP 1309, subsection II; and Official Gazette of June 22, 2004.



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/282,398	11/12/2008	Bor-Luen Chiang	252327-1020	1210
24504	7590	12/23/2010	EXAMINER	
THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP			PESELEV, ELLI	
600 GALLERIA PARKWAY, S.E.			ART UNIT	PAPER NUMBER
STE 1500			1623	
ATLANTA, GA 30339-5994			MAIL DATE	DELIVERY MODE
			12/23/2010	PAPER

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

DEC 23 2010

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

THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
600 GALLERIA PARKWAY, S.E.
STE 1500
ATLANTA GA 30339-5994

In re Application of	:	
CHIANG, BOR-LUEN et al.	:	DECISION ON REQUEST TO
Application No. 12/282,398	:	PARTICIPATE IN PATENT
Filed: November 12, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 252327-1020	:	PILOT PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed October 08, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the IPAU;
- (2) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the IPAU application(s);
- (3) Examination of the U.S. application has not begun;
- (4) Applicant must submit a copy of all the office actions from each of the IPAU application(s) containing the allowable/patentable claim(s) that are the basis for the request; and
- (5) Applicant must submit an IDS listing the documents cited by the IPAU examiner in the IPAU office action along with copies of documents except U.S. patents or U.S. patent application publications.

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

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

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

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 horizontal line underneath.

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



UNITED STATES PATENT and TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

WILLIAM J BUNDREN
THE LAW OFFICE OF WILLIAM J BUNDREN
734 LaRue Road
Millersville MD 21108

MAILED

SEP 29 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
STILES et al	:	
Application No.: 12/282,431	:	
International App. No.: PCT/ca07/000444	:	
Int. Filing Date: 23 March 2007	:	REQUEST UNDER
Priority Date: 23 March 2006	:	
Attorney's Docket No.: CAN.21US	:	
For: ENHANCED PRESERVATION OF	:	
PROCESSED FOOD	:	37 CFR 1.497(d)

This is a decision on applicants' "RESPONSE TO NOTICE TO FILE MISSING REQUIREMENTS OF APPLICATION AND RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE," filed on 07 March 2011 and 07 September 2011, respectively, which are being treated as a request under 37 CFR 1.497(d).

BACKGROUND

In a decision from this Office mailed on 05 January 2009, the decision granted the petition under 37 CFR 1.137(b) filed on 15 December 2008.

On 19 January 2011, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or declaration of the inventors, in compliance with 37 CFR 1.47(a) and (b), identifying the application by International application number and international filing date" must be submitted within two (2) months from date of this Notice or by 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

On 07 March 2011, applicants filed an executed declaration in "Response to Notice to File Missing Requirements of Applications" mailed on 19 January 2011. Applicants also requested to add co-inventor Denise Carlson and to delete co-inventor Lynn McMullen in the executed declaration.

On 08 August 2011, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF DEFECTIVE RESPONSE" (Form PCT/DO/EO/916) indicating that the oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it: lists a name(s) not indicated on the published application, specifically Denise Carlson. Please provide an explanation for this additional inventor.

On 07 September 2011, petitioner filed a "Response to Notification of Defective Response," which is being treated as a request under 37 CFR 1.497(d) indicating that a response to the Notice to File Missing Parts filed on 7 March 2011 included an executed Declaration and statements to correct inventorship. Petitioner has now provided the fee under 37 CFR 1.17(i) by credit card.

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 the error in inventorship occurred without deceptive intention on his or her part;
- (2) the fee set forth in § 1.17(i); and
- (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see 37 CFR §3.73(b) of this chapter).

A review of the application file reveals that applicants have satisfied items (1) - (3) under 37 CFR 1.497(d).

With respect to item (1), the statements submitted on 07 March 2011 by Denise Carlson and Lynn McMullen are sufficient because the statements state that the error in inventorship occurred without a deceptive intent.

With respect to item (2), the processing fee of \$130.00 has been submitted by credit card.

With respect to item (3), a consent of assignee is not required in this instance as the inventors have not executed an assignment.

Accordingly, the request is deemed to satisfy requirements (1), (2), and (3) under 37 CFR 1.497(d).

DECISION

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. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **07 March 2011.**



Rafael Bacares

PCT Legal Examiner

PCT Legal Office

Telephone: (571) 272-3276

Facsimile: (571) 273-0459



UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED
MAR 01 2011
OFFICE OF PETITIONS

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

In re Application of :
Ferguson, et al. : DECISION ON APPLICATION
Application No. 12/282,463 : FOR
Filed: September 10, 2008 : PATENT TERM ADJUSTMENT
Atty Docket No. 085199-0092

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT INCLUDING REQUEST FOR RECONSIDERATION UNDER 37 CFR § 1.705(b)," filed January 11, 2011. Applicants request that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from two hundred and ten (210) days to two hundred and forty-five (245) days.

The application for patent term adjustment is GRANTED.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is two hundred and forty-five (245) days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On October 20, 2010, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date is two hundred and ten (210) days. On January 11, 2011, applicants timely submitted the instant application for patent term adjustment.

Applicants dispute the reduction of thirty-five (35) days for filing of the "SUPPLEMENTAL AMENDMENT IN RESPONSE TO EXAMINER'S INTERVIEW" on September 17, 2010, after a reply had been filed. See 37 C.F.R. § 1.704(c)(8)². Applicants contend that they

² 37 CFR § 1.704(c)(8) states:

submitted the "SUPPLEMENTAL AMENDMENT IN RESPONSE TO EXAMINER'S INTERVIEW" at the request of the examiner.

Applicants' contention is well taken. The record supports a conclusion that the supplemental reply filed September 17, 2010, was expressly requested by the examiner within the meaning of 37 CFR 1.704(c)(8). Accordingly, the reduction of 35 days is not warranted and is being removed.

In view thereof, the correct patent term adjustment at the time of the mailing of the notice of allowance is **two hundred and forty-five (245) days** (245 days of Office delay - 0 days of applicant delay = 245 days).

Submission of the \$200.00 fee set forth in 37 C.F.R. § 1.18(e) is acknowledged. No additional fee is required.

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

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

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enclosure: Copy of REVISED PALM screen

Submission of a supplemental reply or other paper, other than a supplemental reply or other paper expressly requested by the examiner, after a reply has been filed, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date the initial reply was filed and ending on the date that the supplemental reply or other such paper was filed[.]



PTA/PTE Information Patent Term Adjustment Patent Term Extension

Application Number: [Explanation of PTA Calculation](#) [Explanation of PTE Calculation](#)

PTA Calculations for Application: 12282463

Application Filing Date	09/10/2008	Overlapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays	245
A Delays	245	PTO Manual Adjustment	35
B Delays	0	Applicant Delay (APPL)	35
C Delays	0	Total PTA (days)	245

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
66	02/28/2011		P028	Adjustment of PTA Calculation by PTO	35		0
56	10/20/2010		MN/=.	Mail Notice of Allowance			0
55	10/19/2010		IREV	Issue Revision Completed			0
54	10/19/2010		DVER	Document Verification			0
53	10/19/2010		N/=.	Notice of Allowance Data Verification Completed			0
52	10/19/2010		DOCK	Case Docketed to Examiner in GAU			0
51	10/18/2010		CNTA	Allowability Notice			0
49	09/20/2010		FWDX	Date Forwarded to Examiner			0
48	09/17/2010	08/13/2010	SA..	Supplemental Response		35	38
50	09/15/2010		EXIN	Examiner Interview Summary Record (PTOL - 413)			0
44	09/09/2010		MEXIN	Mail Examiner Interview Summary (PTOL - 413)			0
42	09/03/2010		A.PE	Preliminary Amendment			0
43	09/02/2010		EXIN	Examiner Interview Summary Record (PTOL - 413)			0
39	08/25/2010		FWDX	Date Forwarded to Examiner			0
45	08/13/2010		IDSC	Information Disclosure Statement considered			0
41	08/13/2010		RCAP	Reference capture on IDS			0
40	08/13/2010		M844	Information Disclosure Statement (IDS) Filed			0
38	08/13/2010		ELC.	Response to Election / Restriction Filed			0
37	08/13/2010		WIDS	Information Disclosure Statement (IDS) Filed			0
36	07/21/2010		PA..	Change in Power of Attorney (May Include Associate POA)			0
35	07/21/2010		C.AD	Correspondence Address Change			0
34	07/13/2010		ELC_RVW	Electronic Review			0
33	07/13/2010		EML_NTF	Email Notification			0
32	07/13/2010	11/10/2009	MCTRS	Mail Restriction Requirement	245		9
31	07/06/2010		CTRS	Restriction/Election Requirement			0
46	01/15/2010		IDSC	Information Disclosure Statement considered			0
28	01/15/2010		RCAP	Reference capture on IDS			0
27	01/15/2010		M844	Information Disclosure Statement (IDS) Filed			0
26	01/15/2010		WIDS	Information Disclosure Statement (IDS) Filed			0
25	05/27/2009		DOCK	Case Docketed to Examiner in GAU			0
24	04/24/2009		EML_NTR	Email Notification			0
23	04/23/2009		PG-ISSUE	PG-Pub Issue Notification			0
22	04/04/2009		TSSCOMP	IFW TSS Processing by Tech Center Complete			0
47	03/16/2009		IDSC	Information Disclosure Statement considered			0
21	03/16/2009		RCAP	Reference capture on IDS			0
20	03/16/2009		M844	Information Disclosure Statement (IDS) Filed			0
18	03/16/2009		WIDS	Information Disclosure Statement (IDS) Filed			0
17	02/27/2009		EML_NTR	Email Notification			0
16	02/27/2009		PA..	Change in Power of Attorney (May Include Associate POA)			0
15	02/13/2009		ELC_RVW	Electronic Review			0
14	02/13/2009		EML_NTF	Email Notification			0
13	02/13/2009		MPEN	Mail Pre-Exam Notice			0
12	01/14/2009		OIPE	Application Dispatched from OIPE			0
11	01/12/2009		EML_NTR	Email Notification			0
10	01/12/2009		EML_NTR	Email Notification			0
7	01/12/2009		M903	Notice of DO/EO Acceptance Mailed			0
6	01/12/2009		FLRCPT.O	Filing Receipt			0
8	01/09/2009		PGPC	Sent to Classification Contractor			0
4	10/16/2008		CRFE	CRF Is Good Technically / Entered into Database			0
19	09/10/2008		A.PE	Preliminary Amendment			0
9	09/10/2008		371COMP	371 Completion Date			0
5	09/10/2008		CRFL	CRF Disk Has Been Received by Preexam / Group / PCT			0
3	09/10/2008		L194	Cleared by OIPE CSR			0
2	09/10/2008		SCAN	IFW Scan & PACR Auto Security Review			0
1	09/10/2008		IEXX	Initial Exam Team nn			0

Export to: [Excel](#)



UNITED STATES PATENT AND TRADEMARK OFFICE

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

JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017

MAILED

JUL 12 2011

In re Application of
Hal Siegel et al.
Application No. 12/282,471
Filed: July 24, 2008
Attorney Docket No. 12241-029-999

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 CFR § 1.36(b), filed June 28, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because the requested change in the correspondence address is improper.

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

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

Therefore, as there is currently no Statement under 37 CFR 3.73(b) with the current assignee information of record in the instant application, the Office cannot change the correspondence address to the address on the Request to Withdraw at this present time.

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

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

JoAnne Burke
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017

MAILED

SEP 21 2011

OFFICE OF PETITIONS

In re Application of	:	
Hal Siegel et al.	:	DECISION ON PETITION
Application No. 12/282,471	:	TO WITHDRAW
Filed: January 16, 2009	:	FROM RECORD
Attorney Docket No 12241-029-999	:	

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed September 15, 2011.

The request is **APPROVED**.

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

The request was signed by Anthony M. Insogna on behalf of all attorneys of record who are associated with Customer Number 20583.

All attorneys/agents associated with Customer Number 20583 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There is an outstanding Office action mailed August 4, 2011, that requires a reply from the applicant.

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

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

cc: IMMUNEREGEN BIOSCIENCES, INC.
10129 N. 119th Place
Scottsdale, AZ 85259



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
12/282,471	01/16/2009	Hal Siegel	12241-029-999

CONFIRMATION NO. 1940

POWER OF ATTORNEY NOTICE

20583
JONES DAY
222 EAST 41ST ST
NEW YORK, NY 10017



Date Mailed: 09/21/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/15/2011.

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

/jlburke/

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

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

**MAILED
DEC 06 2010
OFFICE OF PETITIONS**

In re Application of
Neil STEWART
Application No. 12/282,499
Filed: January 22, 2009
Attorney Docket No. 2006982-0014

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 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 change of correspondence address is not that of a new representative who has filed a proper power of attorney nor is the change of address that of an assignee of the entire interest who has been properly made 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-identified address until otherwise properly notified.

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

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions



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.
12/282,513	09/29/2008	Steffen Kelch	02322.8025.US00	2420
70416	7590	01/25/2011	EXAMINER	
Customer No. 70416			MESH, GENNADIY	
Perkins Coie LLP			ART UNIT	PAPER NUMBER
Patent - LA			1763	
P.O. Box 1208			NOTIFICATION DATE	DELIVERY MODE
Seattle, WA 98111-1208			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):

patentprocurement@perkinscoie.com



UNITED STATES PATENT AND TRADEMARK OFFICE

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

January 24, 2011

BC

In re application of :
Steffen Kelch et al. :
Serial No. 12/282,513 :
Filed: September 11, 2008 :
For: SHAPE MEMORY POLYMER WITH :
POLYESTER AND POLYETHER SEGMENTS :
AND PROCESS FOR ITS PREPARATION :
AND PROGRAMMING :

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed December 14, 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 DPMA, note where the DPMA 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 DPMA application with similar claims and the DPMA priority application;

(2) Applicant must submit a copy of:

- a. The allowable/patentable claim(s) from the DPMA 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 DPMA application(s); and
- b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

Application No. 12/282,513

(5) Applicant must submit:

- a. Documentation of prior office action:
a copy of the office action(s) from each of the DPMA application(s) containing the allowable/patentable claim(s);
- b. An English language translation of the DPMA Office actions; and
- c. A statement that the English translation is accurate; and

(6) Applicant must submit:

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

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

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

Any inquiry regarding this decision should be directed to Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

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

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700



UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

FEB 01 2012

OFFICE OF PETITIONS

CASTELLANO PLLC
P.O. Box 1555
Great Falls VA 22066

In re Application of :
Vanderborght, et al. : DECISION ON PETITION
Application No. 12/282,532 :
Filed: November 23, 2008 :
Atty. Dkt. No.: 0816.006.US02 :

This is a decision on the petition under 37 CFR 1.137(b), filed January 18, 2012.

The petition is **GRANTED**.

This application became abandoned January 18, 2012 for failure to timely reply to the Notice of Allowance and Issue Fee Due (Notice) mailed October 17, 2011. The Notice set a three (3) month statutory period of time for reply. This decision precedes Notice of Abandonment.

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

The instant petition has been carefully reviewed and found in compliance with the requirements set forth above.

In view thereof, this application is being forwarded to the Office of Data Management for further processing.

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

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 4-4-12

TO SPE OF : ART UNIT 1625

SUBJECT : Request for Certificate of Correction for Appl. No.: 12282600 Patent No.: 8022223

CofC mailroom date: 3-29-12

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Note: _____

Omega Lewis

703-756-1575

Thank You For Your Assistance

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

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

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

Denied

State the reasons for denial below.

Comments: The change to column 62, line 60, appears to be intended for column 65, lines 50 and 60, structures 41 and 3L. It cannot be entered as it is currently set forth. All other changes apply.

/Janet L. Andres/

1625

SPE

Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Patent No. : **8022223**
Ser. No. : **12/282600**
Inventor(s) : **AICHER, THOMAS D.**
Issued : **09/20/2011**
Title : **2-AMINOPYRIDINE ANALOGS AS GLUCOKINASE ACTIVATORS**
Docket No. : **016539.00044**

Re: Request for Certificate of Correction

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

In regards to the alleged error(s) in the Claims, Column 62 Line 60 has been denied by the Examiner. See the attached page.

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

BANNER & WITCOFF, LTD.
1100 13th STREET, N.W.
SUITE 1200
WASHINGTON DC 20005-4051

OL



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Oliver Intellectual Property LLC
P.O. Box 1670
Cotuit MA 02635

MAILED
SEP 26 2011
OFFICE OF PETITIONS

In re Application of :
SEIDLER et al. : **DECISION ON PETITION**
Application No. 12/282,646 :
Filed: 09/11/2008 :
Attorney Docket No. 870-003-219 :

This is a decision on the petition under 37 CFR 1.181, filed August 20, 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 on the petition under 37 CFR 1.181 must be submitted with TWO (2) MONTHS of the mailing date of the decision. The request for reconsideration should include a cover sheet entitled "Renewed Petition Under 37 CFR 1.181."

On April 27, 2011, the Office mailed a Notice of Allowance and Fee(s) Due, which set a three-month statutory period to pay the issue fee and the publication fee to avoid abandonment. In the absence of a timely and proper response, the application was held abandoned on July 28, 2011. On August 17, 2011, the Office mailed a Notice of Abandonment advising applicants that the application became abandoned in view of applicants' failure to timely pay the required issue fee and publication fee within the statutory three months from the mailing date of the Notice of Allowance. The Notice indicated that the check in the amount of \$1,810.00 for the issue fee and publication fee "bounced" due to insufficient fees in the bank account. On August 20, 2011, applicants filed the present petition to withdraw the holding of abandonment.

In the present petition, applicants assert:

Applicant, on Form PTOL-85, authorized the charging of any deficiency to Deposit Account 50-4732. Deposit Account 50-4732 has, for the entire period AUG. 11, 2011 to date, contained funds totaling more than the \$1,810.00 required to cover the deficiency resulting from the bouncing of check # 1173. Therefore, the appropriate action for the Office to have

taken was to charge **the \$1,810 to Deposit Account 50-4732**, rather than to send a Notice of Abandonment on AUG. 17.

Petition, 08/20/11, p. 1 (emphasis in original).

The Office concurs that the PTOL-85b – Fee Transmittal submitted on August 1, 2011 (certificate of mailing date of July 27, 2011) contained an authorization to charge Deposit Account No. 50-4732 for the required fees or any deficiency. However, a review of the Office finance records reveals that Deposit Account 50-4732 contained insufficient funds on the date of collection of the issue fee and publication fee. Therefore, the application was properly held abandoned by operation of statute for failing to pay the issue fee and publication fee within the statutory three month period from the mailing date of the Notice of Allowance. Accordingly, the petition to withdraw the holding of abandonment is **dismissed**.

The Office finance records reveal that the Deposit Account balance, as of the mailing date of this decision, is \$1,368.00. Therefore, the Deposit Account contains insufficient funds for the payment of the issue fee and publication fee. The Office reminds applicants that USPTO fees were revised effective September 26, 2011, and that fees paid on or after September 26, 2011, must be paid as shown in the revised fee schedule.

Applicants may wish to submit a petition to revive the application under 37 CFR 1.137(b). A grantable petition under 37 CFR 1.137(b) must be accompanied by:

- (1) The required reply to the outstanding Office action;
- (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 was unintentional.

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

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

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

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

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

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

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



24 AUG 2010

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

LATIMER & MAYBERRY IP LAW, LLP
13873 PARK CENTER ROAD
SUITE 106
HERNDON, VA 20171

In re Application of	:	
GOLLNICK, et al.	:	DECISION ON RENEWED
Application No.: 12/28 2,687	:	
PCT No.: PCT/EP2007/002418	:	PETITION UNDER
Int. Filing Date: 19 March 2007	:	
Priority Date: 17 March 2006	:	37 CFR 1.182
Attorney's Docket No.: MFS-103-US	:	
For: METHOD FOR DETERMINING THE	:	
THERAPEUTIC EFFECTIVENESS OF	:	
SUBSTANCES	:	

This decision is response to applicant's "Renewed Petition Under 37 C.F.R. § 1.182" filed in the United States Patent and Trademark Office (USPTO) on 22 July 2010.

BACKGROUND

On 22 January 2010, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.182. Applicant was afforded two months to file any request for reconsideration.

On 22 July 2010, applicant filed the present renewed petition under 37 CFR 1.182 accompanied by a petition for a four-month extension of time and payment of the appropriate extension of time fee. The response is considered timely filed.

DISCUSSION

The present renewed petition is accompanied by an affidavit setting forth the procedure whereby the change of name of inventor Schulze was effected; namely by marriage. The declaration is executed by Mrs. Schulze using her current married name and her maiden name. As such, it is appropriate to grant applicant's petition at this time. Further, a review of the application file reveals that with the filing of the present renewed petition, all of the requirements of 35 U.S.C. 371 for entry into the national stage in the United States have been satisfied.

CONCLUSION

The renewed petition under 37 CFR 1.182 to change the inventor's name from Dr. Yanina Malykh to Dr, Yanina Schulze is **GRANTED**.

Application No.: 12/282,687

2

The application has an international filing date of 19 March 2007 under 35 U.S.C. 363 and will be given a date of **28 April 2009** under 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4).

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

A handwritten signature in black ink, appearing to read 'D. Putonen', written in a cursive style.

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

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

MAILED

NOV 30 2010

OFFICE OF PETITIONS

Applicants: Ogilvy, et al.
Appl. No.: 12/282,804
International Filing Date: March 13, 2007
Title: LASER AND A METHOD FOR OPERATING THE LASER
Attorney Docket: SPRUS872.002APC
Pub. No.: US 2010/0014543 A1
Pub. Date: January 21, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on March 22, 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.

On October 13, 2009, a Filing Receipt was mailed by the Office, which incorrectly listed the international filing date. To avoid this type of problem in the future, applicant's representative should make a request for a corrected filing receipt prior to export of the application to the publisher and publication of the application.

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

JONES DAY
222 EAST 41ST ST
NEW YORK, NY 10017

MAILED

AUG 16 2010

OFFICE OF PETITIONS

In re Application of	:	
Doris Tham Zane	:	DECISION ON PETITION
Application No. 12/282,853	:	TO WITHDRAW
Filed: April 20, 2009	:	FROM RECORD
Attorney Docket No. 10901-037-999	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed on May 12, 2010 and supplemented on June 9, 2010.

The request is **NOT APPROVED**.

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

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

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

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

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

Alicia Kelley
Petitions Examiner
Office of Petitions

Doc Code: PET.AUTO		PTO/SB/83
Document Description: Petition automatically granted by EFS-Web		U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	12282858	
Filing Date	08-Oct-2009	
First Named Inventor	W. Sturm	
Art Unit	3715	
Examiner Name	ROBERT UTAMA	
Attorney Docket Number	052670-0408	
Title	SYSTEM FOR AND METHOD FOR PSYCHOLOGICAL ASSESSMENT	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		30542
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	5 DYNAMICS, LLC	
Address	701 MAPLE CREEK DRIVE	
City	FAIRVIEW	
State	TX	
Postal Code	75069	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Kuhlmann, Anthony/
Name	Kuhlmann, Anthony
Registration Number	57147



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : June 20,2011

In re Application of :

W. Sturm

Application No : 12282858

Filed : 08-Oct-2009

Attorney Docket No : 052670-0408

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 June 20,2011

The request is **APPROVED**.

The request was signed by Kuhlmann, Anthony (registration no. 57147) on behalf of all attorneys/agents associated with Customer Number 30542 . All attorneys/agents associated with Customer Number 30542 have been withdrawn.

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

Name 5 DYNAMICS, LLC
Name2
Address 1 701 MAPLE CREEK DRIVE
Address 2
City FAIRVIEW
State TX
Postal Code 75069
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

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: 03/23/2012

Address: Qun Liu
SQUIRE SANDERS (US) L.L.P.
275 Battery Street, Suite 2600
San Francisco, CA 94111

/ts



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/282,949	09/15/2008	Marko Pekkarinen	JHN-30-599	6607
23117	7590	08/31/2011	EXAMINER	
NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			HALPERN, MARK	
			ART UNIT	PAPER NUMBER
			1741	
			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.



UNITED STATES PATENT AND TRADEMARK OFFICE

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

AUG 31 2011

wk

Mailed :
In re Application of : DECISION ON
Pekkarinen et al. : PETITION
Serial No. 12/282,949 :
Filed: September 15, 2008 :
For: **ARRANGEMENT IN CONNECTION WITH**
SCREENING APPARATUSES

This is a decision on the PETITION FILED UNDER 37 CFR 1.144 filed on July 22, 2011. The application was filed under 35 U.S.C. 371.

The Examiner issued a non-final office action on June 28, 2010 and made an art rejection to claims 1-5. In response to the Examiner's office action, Applicants amended claim 1 and added claims 6-12. The Examiner on November 1, 2010 made a restriction requirement for claims 1-12 under lack of unity.

Group 1, claims 1-5 drawn to an arrangement in a screening apparatus of a pulp or paper processing system.

Group 2, claims 6-8 drawn to a screening apparatus for a pulp or paper processing system.

Group 3, claims 9-12, drawn to a method for screening using a screening apparatus. .

The Examiner asserts that Groups 1-3 lack unity of invention because claim 1 is either obvious over or anticipated by Lamont (US 3,545,621). The Examiner further determined that since Applicant had received an action on the merits for the originally presented invention, the invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 6-12 were withdrawn from consideration as being directed to a nonelected invention. The Examiner made the office action final and used the Lamont reference in the art rejection.

Applicants filed an RCE and amended claim 1. The Examiner in the next office action, made a restriction under lack of unity based on the same reasons and groups as stated above using the Lamont reference as the example. The Examiner in the office action used a different reference (Iwashige US 6,171,448) for the art rejection.

12/282,949

Applicant asserts that the prior art rejections over Lamont were withdrawn and were not properly applied to the original claims. Applicants further state that it is not sufficient to find lack of unity of invention simply because an existing claim was previously under a prior art rejection.

The Examiner's continued use of the Lamont reference to demonstrate lack of unity is not correct. However it is noted that Examiner has also made an art rejection to claims 1-5 thereby demonstrating that the technical features claimed do not define a contribution over the prior art.

DECISION

The petition is **DENIED**.

The restriction to claims 1-12 based on lack of unity is maintained.

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

Jeffrey H. Nelson
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

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

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.

Antonio Johnson

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

GREENLEE SULLIVAN P.C.
4875 PEARL EAST CIRCLE
SUITE 200
BOULDER CO 80301



UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

**MAILED
JAN 18 2011
OFFICE OF PETITIONS**

In re Patent No. PP21,299 :
Issue Date: September 21, 2010 :
Application No. 12/283,005 : **ON PETITION**
Filed: September 9, 2008 :
Attorney Docket No. 160-08 :

This is a decision on the petition filed December 1, 2010, which is being treated as a request under 37 CFR 3.81(b)¹ to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to Diane Goodwyn at (571) 272-6735. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

Thurman K. Page
Petitions Examiner
Office of Petitions

¹ See MPEP 1309, subsection II; and Official Gazette of June 22, 2004.



UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

JUL 20 2011

OFFICE OF PETITIONS

CENTRAL COAST PATENT AGENCY, INC
3 HANGAR WAY SUITE D
WATSONVILLE, CA 95076

In re Application of	:	
Sol A. Gonzalvo	:	
Application No. 12/283,007	:	DECISION ON PETITION
Filed: September 8, 2008	:	TO WITHDRAW
Attorney Docket No. P787	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 10, 2011.

The request is **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 cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, “[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]” More specifically, 37 CFR 10.40 states, “[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is” for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request, client chooses to represent himself, does not meet any of the conditions set forth in 37 CFR 10.40.

Further the request cannot be approved because the practitioner(s) requesting the withdrawal have not certified that they (1) have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment, nor have they certified that they (2) have delivered to the client or duly authorized representative of the client papers and property (including funds) to which the client is entitled or (3) notified the client of any responses that may be due and the time frame within which they must respond. The failure to do so may subject the practitioner to discipline. It is also noted that false certification may violate a practitioners’ duty under 37 CFR 10.23(b)(4) and (b)(5).

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

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

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

Attachment: Blank copy of PTOL SB/83 Request for Withdrawal as Attorney
Or Agent and Change of Correspondence Address

cc: SOL A. GONZALVO
18642 NORTHRIDGE DRIVE
SALINAS, CA 93906



UNITED STATES PATENT AND TRADEMARK OFFICE

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

MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE, 32ND FLOOR
CHICAGO, IL 60606

MAILED
JAN 14 2011
OFFICE OF PETITIONS

In re Application of :
Neil BAIRD, et al. :
Application No. 12/283,053 : DECISION GRANTING PETITION
Filed: September 9, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **07-612-US** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed January 13, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on December 9, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

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

This application is being referred to Technology Center AU 2835 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

MILBANK TWEED HADLEY & MCCLOY
1 CHASE MANHATTAN PLAZA
NEW YORK, NY 10005-1413

MAILED

MAR 14 2011

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Takashi Yamamoto et al :
Application No. 12/283,082 :
Filed: September 9, 2008 :
Attorney Docket No. 35061-10600 :

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

The petition is **GRANTED**.

The above-identified application became abandoned for failure to submit the Issue fee and Publication Fee in a timely manner in reply to the Notice of Allowance mailed September 20, 2010, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on December 21, 2010.

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

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

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

Irvin Dingle
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK NY 10004

MAILED

FEB 14 2011

OFFICE OF PETITIONS

In re Application of :
Mihara, et al. :
Application No. 12/283,106 :
Filed: September 8, 2008 :
Attorney Docket No. 12219/148 :

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

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

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

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

Inquiries related to this communication should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions



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



Bib Data Sheet

CONFIRMATION NO. 6012

Table with 5 columns: SERIAL NUMBER (12/283,106), FILING OR 371(c) DATE (09/08/2008), CLASS (359), GROUP ART UNIT (2873), ATTORNEY DOCKET NO. (12219/148)

APPLICANTS
Shinichi Mihara, Tokyo, JAPAN;
Hirokazu Konishi, Tokyo, JAPAN;
Toyoharu Hanzawa, Tokyo, JAPAN;
Masahito Watanabe, Tokyo, JAPAN;
Atsujiro Ishii, Tokyo, JAPAN;
Tetsuhide Takeyama, Tokyo, JAPAN;
Ayami Imamura, Tokyo, JAPAN;
** CONTINUING DATA *****
This application is a DIV of 10/142,219 05/10/2002 PAT 7,436,599
** FOREIGN APPLICATIONS *****
JAPAN 2001-142948 05/14/2001
IF REQUIRED, FOREIGN FILING LICENSE GRANTED
** 10/06/2008

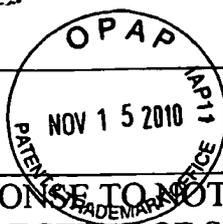
Table with 5 columns: Foreign Priority claimed (yes/no), 35 USC 119.(a-d) conditions (yes/no/Met after), STATE OR COUNTRY (JAPAN), SHEETS DRAWING (28), TOTAL CLAIMS (23), INDEPENDENT CLAIMS (3)

ADDRESS
26646

TITLE
ELECTRONIC IMAGE PICKUP SYSTEM

Table with 2 main columns: FILING FEE RECEIVED (1810) and FEES: Authority has been given in Paper No. to charge/credit DEPOSIT ACCOUNT No. for following: (listing various fee categories like All Fees, 1.16 Fees, etc.)

11-27-10



U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		RECEIVED NOV 23 2010 OFFICE OF PETITIONS	
RESPONSE TO NOTICE OF ALLOWANCE: CORRECTION OF SMALL ENTITY STATUS AND FEE DEFICIENCY PAYMENT UNDER 37 C.F.R. § 1.28(c)		Docket Number: 12219/148	
Application Number 12/283,106	Filing Date September 8, 2008	Examiner J. M. SCHWARTZ	Art Unit 6012
Invention Title ELECTRONIC IMAGE PICKUP SYSTEM		Inventor(s) Shinichi MIHARA et al.	

Address to:

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

USPTO
 RECEIPTS ACCOUNTING
 DIVISION
 2010 NOV 18 PM 4:14

Sir:

In response to the Notice of Allowance mailed September 9, 2010 for the above-identified patent application, Applicant submits that in accordance with 37 C.F.R. § 1.28(c)(2), the United States Patent and Trademark Office is hereby informed that the status of the above-identified patent application as a small entity was established in error. Small entity fees were charged by the Office despite the fact that Applicant requested that large entity fees be charged at each instance where a fee was due during the pendency of this application. Therefore the small entity fees were paid in good faith and with no deceptive intent.

Accordingly, Applicant requests that the small entity status be withdrawn and that the Office charge the deficient fees to Deposit Account No. 11-0600 as itemized below.

<u>Itemization of Fee Deficiency Payment:</u>	<u>Fees Paid</u>	<u>Current Fees</u>	<u>Deficiency Owed</u>
Application Filing Fees paid September 8, 2008	\$720.00	\$1,516.00	\$796.00
Excess Claims Fees paid April 28, 2010	\$790.00	\$1,580.00	\$790.00
Excess Claims Fees paid August 9, 2010	\$110.00	\$220.00	\$110.00
TOTAL	\$1620.00	\$3316.00	<u>\$1,696.00</u>

11/22/2010 DALLEN 00000002 110600 12283106
 01 FC:1599 1696.00 DA
 11/22/2010 DALLE 00000002 110600 12283106
 01 FC:1599 1696.00 CK

02/14/2011 CKHLOK 00000014 110600 12283106
 01 FC:1461 1696.00 DA

Accordingly, the Office is authorized to charge **\$1,696.00** (the deficiency owed) to the Deposit Account of Kenyon & Kenyon LLP, **Deposit Account No. 11-0600**. The Office is also authorized to charge any additional fees or credit any overpayment arising from this communication to the same account.

Dated: *November 15, 2010*

By: 

Richard M. Rosati (Reg. No. 31,792)

KENYON & KENYON LLP

One Broadway

New York, New York 10004

(212) 425-7200 (Telephone)

(212) 425-5288 (Facsimile)

CUSTOMER NO. 26646



UNITED STATES PATENT AND TRADEMARK OFFICE

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

WOODCOCK WASHBURN LLP
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA PA 19104-2891

MAILED

AUG 19 2011

OFFICE OF PETITIONS

In re Application of	:	
Geise et al.	:	
Application No. 12/283149	:	
Filing or 371(c) Date: 09/10/2008	:	ON PETITION
Attorney Docket Number:	:	
PixEarthCont	:	

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



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
12/283,149	09/10/2008	Doran J. Geise	PixEarthCont

CONFIRMATION NO. 6196

POA ACCEPTANCE LETTER

23377
WOODCOCK WASHBURN LLP
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA, PA 19104-2891



Date Mailed: 08/18/2011

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/02/2011.

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.

/dlwoods/

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/283,149	09/10/2008	Doran J. Geise	PixEarthCont

39208
CR MILES, P.C.
CRAIG R. MILES
405 MASON COURT, SUITE 119
FORT COLLINS, CO 80524

CONFIRMATION NO. 6196
POWER OF ATTORNEY NOTICE



Date Mailed: 08/18/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/02/2011.

- 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).

/dlwoods/

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/283,152	09/10/2008	Steven D. Wexner	4010.001	6195
27353	7590	04/05/2011	EXAMINER	
MELVIN K. SILVERMAN AND ASSOCS PC 500 WEST CYPRESS CREEK ROAD SUITE 350 FT. LAUDERDALE, FL 33309			SCHERBEL, TODD	
			ART UNIT	PAPER NUMBER
			3773	
			MAIL DATE	DELIVERY MODE
			04/05/2011	PAPER

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

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



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.
12283152	9/10/2008	WEXNER ET AL.	4010.001

MELVIN K. SILVERMAN AND ASSOCS PC
500 WEST CYPRESS CREEK ROAD
SUITE 350
FT. LAUDERDALE, FL 33309

EXAMINER

TODD SCHERBEL

ART UNIT	PAPER
3773	20110330

DATE MAILED:

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

Commissioner for Patents

This is a decision on the petition under 37 CFR 1.42(b) filed on 02/23/2009 by which petitioners request inventorship deletion.

The petition is DENIED.

In view of the papers filed 02/23/2009, the petition filed under 37 CFR 1.48(b) relates to inventorship deletions due to amendment or cancellation of claims.

Review of the application and of the claims shows that there is no amendment or cancellation of claims.

Examiner notes, that a petition under 37 CFR 1.48(a) relates to inventorship changes to a nonprovisional application, as filed, due to error without deceptive intent.

/(Jackie) Tan-Uyen T. Ho/
Supervisory Patent Examiner, Art Unit 3773



UNITED STATES PATENT AND TRADEMARK OFFICE

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

FRANK L. KUBLER
13261 S.W. 54TH COURT
MIRAMAR FL 33027

MAILED

JAN 3 1 2011

OFFICE OF PETITIONS

In re Application of
Andrea Badilla MUNOZ
Application No. 12/283,190
Filed: September 10, 2008
Attorney Docket No.

:
:
: **DECISION ON PETITION**
:
:

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 reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed October 6, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 7, 2008.

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

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

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

FISH & RICHARDSON PC (BO)
PO BOX 1022
MINNEAPOLIS MN 55440-1022

MAILED
JUN 21 2011
OFFICE OF PETITIONS

In re Application	:	DECISION ON APPLICATION
Robert M. Stockman	:	FOR PATENT TERM ADJUSTMENT
Application No. 12/283,297	:	AND NOTICE OF INTENT
Filed: September 9, 2008	:	TO ISSUE
Patent No. 7,911,762	:	CERTIFICATE OF CORRECTION
Issue: March 22, 2011	:	
Docket No. 21401-0013002	:	

This is a decision on the petition under 37 CFR 1.705(d), filed May 23, 2011. Applicants request that the determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from fifty-nine (59) days to twenty-nine (29) days.

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

On March 22, 2011, the above patent issued with a patent term adjustment of fifty-nine (59) days. On May 23, 2011, patentee filed the instant application for patent term adjustment, made timely by the fact that May 22, 2011 fell on a Sunday. See 37 CFR 1.7(a).

The Office determined a patent term adjustment of fifty-nine (59) days based on an adjustment for PTO delay of one hundred forty-three (143) days pursuant to 37 CFR 1.703(a)(1), reduced by sixty-two (62) days of applicant delay pursuant to 37 CFR 1.704(b), and twenty-two (22) days of applicant delay pursuant to 37 CFR 1.704(c)(8).

Patentee points out that he should have been assessed additional days of delay under 37 CFR 1.704(b). The Office mailed a Notice to File Corrected Application Papers on January 14, 2009. Applicant filed a reply on May 14, 2009, made timely for purposes of avoiding abandonment by obtaining a two month extension of time. Accordingly, pursuant to 37 CFR 1.704(b), thirty (30) days of applicant delay should have been assessed.

In addition, a review of the file indicates that the Office mailed a Notice to File Missing Parts on October 1, 2008. Applicant filed a reply on January 2, 2009, made timely to avoid abandonment by obtaining a one month extension of time, and by the fact that January 1, 2009 was a federal holiday. See 37 CFR 1.7(a). However, pursuant to 37 CFR 1.704(b), one (1) day of applicant delay should have been assessed for this filing.

In view thereof, the correct determination of patent term adjustment at the time of the mailing of the Notice of Allowance is **twenty-eight (28) days** (143 days of PTO delay, reduced by 115 (1+30+62+22) 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 Certificates of Correction Branch for issuance of a certificate of correction in order to rectify the error regarding the patent term information. See 35 U.S.C. § 254 and 37 C.F.R. § 1.322. The certificate of correction will indicate that the term of the above-identified patent is extended or adjusted by **twenty-eight (28) days** subject to any disclaimers.

Telephone inquiries specific to this matter should be directed to Cliff Congo, Petitions Attorney, at (571)272-3207.



Anthony Knight
Director
Office of Petitions

Enc: Draft Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
DRAFT CERTIFICATE OF CORRECTION

PATENT : 7,911,762 B2

DATED : **March 22, 2011**

INVENTOR(S) : Robert M. Stockman

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 59 days.

Delete the phrase "by 59 days" and insert – by 28 days--



UNITED STATES PATENT AND TRADEMARK OFFICE

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

AT&T LEGAL DEPARTMENT – HFZ
ATTN. PATENT DOCKETING
ONE AT&T WAY
ROOM 2A-207
BEDMINSTOR, NJ 07921

MAILED

SEP 21 2010

In re Application of
Mark Sundt et al
Application No. 12/283,334
Filed: September 11, 2008
Attorney Docket No. 2008-0250

OFFICE OF PETITIONS

ON PETITION

This is a decision on the petition, filed September 20, 2010 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on September 9, 2010 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

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

This matter is being referred to Technology Center AU 2467 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1125
4417 LANCASTER PIKE
WILMINGTON DE 19805

MAILED

DEC 30 2011

OFFICE OF PETITIONS

In re Application of :
Armstrong et al. :
Application No. 12/283,341 : DECISION ON PETITION
Filed: September 11, 2008 : PURSUANT TO
Attorney Docket No. : 37 C.F.R. § 1.137(B)
IM1363USNA :
Title: METHOD AND APPARATUS :
FOR THERMAL DEVELOPMENT WITH :
A CONFORMABLE SUPPORT :

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed December 16, 2011, to revive the above-identified application.

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

The above-identified application became abandoned for failure to reply in a timely manner to a non-final Office action, mailed November 12, 2010, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on February 13, 2011. A notice of abandonment was mailed on May 23, 2011.

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

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in 37 C.F.R.

- § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was, unintentional, and;
 - (4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

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

The Technology Center will be notified of this decision, and jurisdiction over this application is transferred to the Technology Center, so that the application may receive further processing. The Technology Center's support staff will notify the Examiner of this decision, so that the amendment that was received on December 16, 2011 can be processed in due course.

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

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.¹ All other inquiries concerning this application should be directed to the Technology Center.



Paul Shanoski
Senior Attorney
Office of Petitions

¹ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).



UNITED STATES PATENT AND TRADEMARK OFFICE

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

REED SMITH, LLP
ATTN: PATENT RECORDS DEPARTMENT
599 LEXINGTON AVENUE, 29TH FLOOR
NEW YORK NY 10022-7650

MAILED

JUN 01 2011

OFFICE OF PETITIONS

In re Application of
Hisaki Sakurai
Application No. 12/283,349
Filed: September 11, 2008
Attorney Docket No. 501152.20125

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed April 12, 2011.

The request is **NOT APPROVED**.

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

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

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

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

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

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

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **BROTHER KOGYO KABUSHIKI KAISHA
15-1 NAESHIRO-CHO, MIZUHO-KU
NAGOYA-SHI
AICHI-KEN 467-8561
JAPAN**



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : May 9,2011

In re Application of :

Brian Schultz

Application No : 12283368

Filed : 11-Sep-2008

Attorney Docket No : ITC-P18

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed May 9,2011 , to revive the above-identified application.

The petition is **GRANTED**.

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

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

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

This application file is being directed to the Office of Patent Publication.

Office of Petitions

Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)
Application Number	12283368
Filing Date	11-Sep-2008
First Named Inventor	Brian Schultz
Art Unit	2895
Examiner Name	EDWARD WOJCIECHOWICZ
Attorney Docket Number	ITC-P18
Title	SEMICONDUCTOR STRUCTURE WITH COINCIDENT LATTICE INTERLAYER

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	/Jerry A. Miller 30779/
Name	Jerry A. Miller
Registration Number	30779



FELDMAN LAW GROUP, P.C.
220 EAST 42ND STREET, SUITE 3304
NEW YORK NY 10017

MAILED

MAY 10 2011

OFFICE OF PETITIONS

In re Application of :

Wainright, Lee :

Application No. 12/283,411 :

Filed: September 10, 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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

PATE PIERCE & BAIRD
POST OFFICE BOX 520812
SALT LAKE CITY, UT 84152-0812

MAILED
MAY 3 1 2011
OFFICE OF PETITIONS

In re Application of :
Shaodong Chen :
Application No. 12/283,433 :
Filed: September 11, 2008 :
Attorney Docket No. 3451.2.2 :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 2, 2011.

The request is **APPROVED**.

The request was signed by A. John Pate on behalf of the practitioners of record associated with Customer Number 28049.

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

All future correspondence will be directed to inventor Shaodong Chen 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: Shaodong Chen
c/o Gary Pierce, Registered Patent Attorney
Pierce IP Law Group
299 S. Main Street, Suite 1300
Salt Lake City, UT 84111



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
12/283,433	09/11/2008	Shaodong Chen	3451.2.2

CONFIRMATION NO. 6815

POWER OF ATTORNEY NOTICE

28049
PATE PIERCE & BAIRD
Post Office Box 520812
SALT LAKE CITY, UT 84152-0812



Date Mailed: 05/31/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/02/2011.

- 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.

/i dingle/

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/283,433	09/11/2008	Shaodong Chen	3451.2.2

CONFIRMATION NO. 6815

POA ACCEPTANCE LETTER



Shaodong Chen
c/o Gary Pierce, Registered Patent Attorney
Pierce IP Law Group
299 S. Main Street, Suite 1300
Salt Lake City, UT 84111

Date Mailed: 05/31/2011

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/02/2011.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/s/ idingle/

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

FREEMAN D. FIELDS I
APT A
978 SIMS AVE
ATLANTA, GA 30318

MAILED

FEB 08 2012

OFFICE OF PETITIONS

In re Application of
Freeman D. Fields I.
Application No. 12/283,480
Filed: September 12, 2008
Attorney Docket No. N/A

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181, filed November 4, 2011, requesting withdrawal of the holding of abandonment in the above-identified application.

The application was held abandoned for failure to file a reply to the final Office action mailed April 13, 2011.

Petitioner asserts that the Notice mailed April 13, 2011, was not received.

A review of the written record indicates no irregularity in the mailing of the Office action and, in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received.

The showing required to establish nonreceipt of an Office communication must include¹:

(1) a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

(2) Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket

¹ 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).

or the equivalent, and the application contents, indicates that the Office action was not received.

(3) A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required. A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

The petition fails to satisfy item (1) of the above-stated requirements.

It is noted that petitioner failed to provide a description of the system used for keeping track of mail received from the USPTO. In this regard, petitioner must provide an explanation of how he processes his incoming mail from the time he opens the envelope up until the time he files away any papers received from the USPTO. Also, the statement must provide a statement that the docketing system is sufficiently reliable.

Additionally, it is noted that the present petition is unsigned; thus, petitioner is reminded that any request/petition filed with the Office must contain a signature.

In view of the above, the petition requesting withdrawal of the holding of abandonment cannot be granted at this time.

If petitioner cannot supply the evidence necessary to withdraw the holding of abandonment, or simply does not wish to, petitioner should consider filing a petition under 37 CFR 1.137(b) stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the \$930 petition fee.

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

Any request for reconsideration of this decision should be filed within **TWO (2) MONTHS** from the mail date of this decision. *Note* 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment."

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, and documentation to this number should be addressed to the Office of Petitions.

Correspondence regarding this decision may also be filed through the electronic filing system of the USPTO. In order to expedite the filing of any renewed petition, petitioner may wish to contact the undersigned once filed.

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

/Andrea Smith/
Andrea Smith
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

DUNLAP CODDING, P.C.
PO BOX 16370
OKLAHOMA CITY OK 73113

MAILED

NOV 08 2010

OFFICE OF PETITIONS

In re Application of :
Donald E. Weder, et al. :
Application No. 12/283,536 : **DECISION ON PETITION**
Filed: September 12, 2008 :
Attorney Docket No. 3475.127 :

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, April 2, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on 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 an amendment, (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay.

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

This application is being referred to Technology Center AU 1744 for appropriate action by the Examiner in the normal course of business on the reply received.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : March 13, 2012

In re Application of :

Michael Goodson

Application No : 12283593

Filed : 15-Sep-2008

Attorney Docket No : 1892.02

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed March 13, 2012

The request is **APPROVED**.

The request was signed by Dennis B. Haase (registration no. 22037) on behalf of all attorneys/agents associated with Customer Number 36559 . All attorneys/agents associated with Customer Number 36559 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 Goodson
Name2
Address 1 1010 Jessie Road
Address 2
City Little Rock
State AR
Postal Code 72202
Country US

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

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

Office of Petitions

Doc Code: PET.AUTO		PTO/SB/83
Document Description: Petition automatically granted by EFS-Web		U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	12283593	
Filing Date	15-Sep-2008	
First Named Inventor	Michael Goodson	
Art Unit	3633	
Examiner Name	BRIAN GLESSNER	
Attorney Docket Number	1892.02	
Title	Prefabricated shower floor liner for use with solid stone shower floor and method of construction	
<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:		36559
The reason(s) for this request are those described in 37 CFR: 10.40(c)(1)(iv) 10.40(c)(1)(vi)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Michael Goodson	
Address	1010 Jessie Road	
City	Little Rock	
State	AR	
Postal Code	72202	

Country	US
I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Dennis B. Haase/
Name	Dennis B. Haase
Registration Number	22037



UNITED STATES PATENT AND TRADEMARK OFFICE

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

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD MA 01742-9133

MAILED

JUN 27 2011

OFFICE OF PETITIONS

In re Application of
Harbeson
Application No.: 12/283,620
Filed: September 12, 2008
Attorney Docket No. **4151.1023-001**

:
: DECISION ON APPLICATION
: FOR ADJUSTMENT
: PATENT TERM ADJUSTMENT
:

This is in response to the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR 1.705(b)" filed June 6, 2011. Applicant requests that the initial Determination of Patent Term Adjustment under 35 U.S.C. 154(b) be corrected from two hundred and fifty-three (253) days to two hundred and twenty-two (222) days.

The request for review of determination of the patent term adjustment is **GRANTED**.

The Office has updated the PALM and PAIR screens to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is **two hundred and twenty-two (222) days**. A copy of the updated PALM screen, showing the corrected determination, is enclosed.

On March 8, 2011, a Determination of Patent Term Adjustment under 35 U.S.C. 154(b) was mailed indicating that the patent term adjustment to date was 253 days. On June 6, 2011, applicant submitted the instant petition. Applicant asserts the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) mailed March 8, 2011, is incorrect. Specifically, applicant states that:

(iv) Applicant delay under 37 CFR 1.704(b) is 93 days as determined below:

(a) On February 4, 2009, Applicant filed a reply under 37 CFR 1.8 to the Notice to File Missing Parts that had been mailed October 6, 2008. The USPTO received the Reply on February 6, 2009. Applicant should have accrued delay from January 7, 2009 (three months after

the mailing date of the Notice to File Missing Parts, in accordance with 37 CFR 1.704(b)) to February 6, 2009 (31 days under 37 CFR 1.704(b)). This delay was not recorded in the image file wrapper available through the PAIR System.

(b)

Excerpt taken from, "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR 1.705(b)" filed June 6, 2011. pg. 2.

It is determined that applicant should have been assessed a delay under 37 CFR 1.704(b)¹ for filing a reply in excess of the three month period from the October 6, 2008, mailing date of the Notice to File Missing Parts of Non-Provisional Application. On October 6, 2008, a Notice to File Missing Parts of Non-Provisional Application was mailed. Applicant did not file a reply until February 6, 2009. Accordingly, the period of adjustment set forth in § 1.703 should have been reduced under 37 CFR 1.704(b) by 31 days, the number of days in the period beginning on the day after the date that is three months after the date of mailing of the Notice to File Missing Parts of Non-Provisional Application, January 7, 2009, and ending on the date the reply was filed, February 6, 2009. **A period of reduction of 31 days will be entered.**

In view thereof, the determination of the patent term adjustment at the time of the mailing of the notice of allowance is **two hundred twenty-two** (315 days of Office delay - 93 days of Applicant delay).

¹ 37 CFR 1.704(b) states:

With respect to the grounds for adjustment set forth in §§ 1.702(a) through (e), and in particular the ground of adjustment set forth in § 1.702(b), an applicant shall be deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods of time in excess of three months that are taken to reply to any notice or action by the Office making any rejection, objection, argument, or other request, measuring such three-month period from the date the notice or action was mailed or given to the applicant, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date that is three months after the date of mailing or transmission of the Office communication notifying the applicant of the rejection, objection, argument, or other request and ending on the date the reply was filed. The period, or shortened statutory period, for reply that is set in the Office action or notice has no effect on the three-month period set forth in this paragraph.

The Office is in receipt of the \$200.00 fee set forth in 37 CFR 1.18(e) which is a requirement for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

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

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

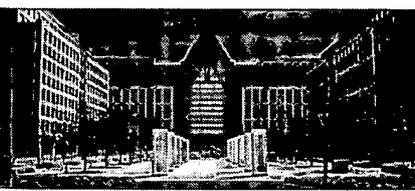
/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enclosure: Copy of REVISED PALM screen



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: 12283620

Application Filing Date	09/12/2008	Overlapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays:	315
A Delays	315	PTO Manual Adjustment:	31
B Delays	0	Applicant Delay (APPL):	62
C Delays	0	Total PTA (days):	222

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration		Parent Action Number
					PTO	APPL	
55	06/21/2011		P028	Adjustment of PTA Calculation by PTO		31	0
48	03/08/2011		MN/=	Mail Notice of Allowance			0
47	03/04/2011		IREV	Issue Revision Completed			0
46	03/04/2011		DVER	Document Verification			0
45	03/04/2011		N/=	Notice of Allowance Data Verification Completed			0
44	03/01/2011		CNTA	Allowability Notice			0
42	02/24/2011		FWDX	Date Forwarded to Examiner			0
43	02/23/2011		AF/D	Affidavit(s) (Rule 131 or 132) or Exhibit(s) Received			0
41	02/23/2011	12/23/2010	A...	Response after Non-Final Action		62	39
40	02/23/2011		XT/G	Request for Extension of Time - Granted			0
39	09/23/2010	11/12/2009	MCTNF	Mail Non-Final Rejection	315		0.5
36	09/22/2010		CTNF	Non-Final Rejection			0
35	06/07/2010		IDSC	Information Disclosure Statement considered			0
30	06/07/2010		M844	Information Disclosure Statement (IDS) Filed			0
29	06/07/2010		WIDS	Information Disclosure Statement (IDS) Filed			0
34	05/20/2010		IDSC	Information Disclosure Statement considered			0
28	05/20/2010		RCAP	Reference capture on IDS			0
27	05/20/2010		M844	Information Disclosure Statement (IDS) Filed			0
26	05/20/2010		WIDS	Information Disclosure Statement (IDS) Filed			0
38	04/08/2010		IDSC	Information Disclosure Statement considered			0
37	04/08/2010		WIDS	Information Disclosure Statement (IDS) Filed			0
25	04/08/2010		M844	Information Disclosure Statement (IDS) Filed			0
23	09/18/2009		PA..	Change in Power of Attorney (May Include Associate POA)			0
22	08/28/2009		DOCK	Case Docketed to Examiner in GAU			0
21	08/19/2009		DOCK	Case Docketed to Examiner in GAU			0
20	06/04/2009		PG-ISSUE	PG-Pub Issue Notification			0
33	04/07/2009		IDSC	Information Disclosure Statement considered			0
19	04/07/2009		RCAP	Reference capture on IDS			0
18	04/07/2009		M844	Information Disclosure Statement (IDS) Filed			0
17	04/07/2009		WIDS	Information Disclosure Statement (IDS) Filed			0
15	04/07/2009		TSSCOMP	IFW TSS Processing by Tech Center Complete			0
14	03/12/2009		OIPE	Application Dispatched from OIPE			0
13	02/25/2009		PGPC	Sent to Classification Contractor			0
12	02/25/2009		FLRCPT.U	Filing Receipt - Updated			0
16	02/06/2009		A.PE	Preliminary Amendment			0
11	02/06/2009		FLFEE	Payment of additional filing fee/Preexam			0
7	02/06/2009		OATHDECL	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applicant			0
5	10/06/2008		FLRCPT.O	Filing Receipt			0
4	10/06/2008		INCD	Notice Mailed--Application Incomplete--Filing Date Assigned			0
3	09/25/2008		L194	Cleared by OIPE CSR			0
2	09/25/2008		SCAN	IFW Scan & PACR Auto Security Review			0
1	09/15/2008		IEXX	Initial Exam Team nn			0
10	09/12/2008		CLAIM	Claim Preliminary Amendment			0
0.5	09/12/2008		EFILE	Filing date			0

Export to: [Excel](#)



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Rosette Marturana
1401st N. Sauk Lane
Mt. Prospect IL 60056

MAILED

JUL 21 2011

OFFICE OF PETITIONS

In re Application of :
Marturana et al. :
Application Number: 12/283632 : DECISION ON
Filing or 371(c) Date: 09/15/2008 : PETITION
Title of Invention: :
GET HOME SMART CARD :

This is a decision in response to the Petition to Withdraw the Holding of Abandonment, filed June 7, 2011. The Petition is properly treated under 37 CFR 1.181(a).

This Petition is hereby **dismissed**.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed November 24, 2010. The Office action set a three (3) month period for reply, and provided for extensions of time under 37 CFR 1.136(a). No response having been received, the application became abandoned on February 25, 2011. A Notice of Abandonment was mailed June 8, 2011.

The present petition

Applicant files the present petition and asserts that the non-final Office action, mailed November 24, 2010, was never received at the correspondence address of record. Applicants include a description of their docketing system, and copies of prior correspondence received from this Office.

Applicable Law, Rules and MPEP

The MPEP 711.03(c)A, Petition To Withdraw Holding of Abandonment Based on Failure To Receive Office Action, provides

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

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

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

/DLW/

Derek L. Woods
Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Rosette Marturana
1401 N. Sauk Lane
Mt. Prospect IL 60056

MAILED

AUG 15 2011

OFFICE OF PETITIONS

In re Application of :
Marturana et al. :
Application Number: 12/283632 : **DECISION ON**
Filing or 371(c) Date: 09/15/2008 : **PETITION**
Title of Invention: :
GET HOME SMART CARD :

This is a decision in response to the Request for Reconsideration of Petition to Withdraw the Holding of Abandonment, filed July 26, 2011. The Petition is properly treated under 37 CFR 1.181(a).

This Petition is hereby **dismissed**.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed November 24, 2010. The Office action set a three (3) month period for reply, and provided for extensions of time under 37 CFR 1.136(a). No response having been received, the application became abandoned on February 25, 2011. A Notice of Abandonment was mailed June 8, 2011.

The June 7, 2011 petition

Applicant filed a petition to withdraw the holding of abandonment on June 7, 2011, and asserted that the non-final Office action, mailed November 24, 2010, was never received at the correspondence address of record. Applicants included a description of their docketing system, and copies of prior correspondence received from this Office.

The July 21, 2011 Decision dismissing the petition

The petition was dismissed in Decision mailed July 21, 2011. The Decision informed Applicant that Applicants must, in addition to stating that the Office action was not received, also provide a statement that a search of the file jacket and docket records indicates that the Office action was

not received, and provide a copy of the file jacket and docket records – where the non-received Office action would have been entered had it been received - to this Office.

The present request for reconsideration

Applicant files the present request for reconsideration and includes a statement that the Office action was not received; however, only one (1) page of the copy of Applicant's file has been received, and the page is illegible.

Analysis/conclusion

Applicant must provide a legible copy of the file jacket and docket records – where the non-received Office action would have been entered had it been received - to this Office.

The petition is dismissed without prejudice. Applicant should file a request for reconsideration and include a legible copy of the file jacket and docket records – where the non-received Office action would have been entered had it been received - to this Office.

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

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

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

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

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

/DLW/

Derek L. Woods
Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Rosette Marturana
1401 N. Sauk Lane
Mt. Prospect IL 60056

MAILED
SEP 15 2011

OFFICE OF PETITIONS

In re Application of :
Marturana et al. :
Application Number: 12/283632 : **DECISION ON**
Filing or 371(c) Date: 09/15/2008 : **PETITION**
Title of Invention: :
GET HOME SMART CARD :

This is a decision in response to the Request for Reconsideration of Petition to Withdraw the Holding of Abandonment, filed August 15, 2011. The Request for Reconsideration of Petition is properly treated under 37 CFR 1.181(a).

This Petition is hereby granted.

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed November 24, 2010. The Office action set a three (3) month period for reply, and provided for extensions of time under 37 CFR 1.136(a). No response having been received, the application became abandoned on February 25, 2011. A Notice of Abandonment was mailed June 8, 2011.

With the present petition, Applicant has demonstrated non-receipt of the Office action by a preponderance of the evidence.

In view of the foregoing, the petition is granted. The holding of abandonment is hereby withdrawn.

The application will be referred to Technology Center Art Unit 3629 for processing of the reply to the Office action, filed June 13, 2011, in the normal course of business.

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

/DLW/

Derek L. Woods
Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

THE INVENTORS NETWORK, INC
332 ACADEMY STREET
CARNEGIE, PA 15106

MAILED
NOV 24 2010
OFFICE OF PETITIONS

In re Application of	:	
Tom Henderson	:	
Application No. 12/283,634	:	DECISION ON PETITION
Filed: September 15, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 6, 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's representative that she is in possession of proof of applicant's age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

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

The application is being forwarded to the Technology Center Art Unit 3656 for action on the merits commensurate with this decision.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

BRENT DOUGLAS DECK
P.O. BOX 172111
KANSAS CITY, KS 66117

MAILED

FEB 07 2011

In re Application of
Brent D. DECK
Application No. 12/283,668
Filed: September 15, 2008
Attorney Docket No.

: **OFFICE OF PETITIONS**
:
: DECISION ON PETITION
: UNDER 37 CFR 1.137(b)
:

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 4, 2010 and re-submitted on September 2, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement, mailed July 10, 2009, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on August 11, 2009.

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

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

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

This application is being referred to Technology Center AU 2832 for appropriate action by the Examiner in the normal course of business on the reply received August 4, 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
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/283,670	09/15/2008	William D. Tracey JR.	180/237/2	7746
25297	7590	05/05/2011	EXAMINER	
JENKINS, WILSON, TAYLOR & HUNT, P. A. 3100 Tower Blvd. Suite 1200 DURHAM, NC 27707			LI, RUIXIANG	
			ART UNIT	PAPER NUMBER
			1646	
			MAIL DATE	DELIVERY MODE
			05/05/2011	PAPER

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

May 5, 2011

JENKINS, WILSON, TAYLOR & HUNT, P. A.
3100 Tower Blvd.
Suite 1200
DURHAM NC 27707

In re Application of :
Tracy, William D. Jr. et al : **DECISION ON PETITION**
Application No. 12/283,670 :
Filed: 09/15/2008 :
Attorney Docket No. 180/237/2 :

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

The petition did not 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.
12/283,670 09/15/2008 William D. Tracey JR. 180/237/2 7746

7590 07/08/2011
JENKINS, WILSON, TAYLOR & HUNT, P. A.
3100 Tower Blvd.
Suite 1200
DURHAM, NC 27707

EXAMINER

LI, RUIXIANG

ART UNIT PAPER NUMBER

1646

MAIL DATE DELIVERY MODE

07/08/2011

PAPER

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

July 29, 2011

JENKINS, WILSON, TAYLOR & HUNT, P. A.
3100 Tower Blvd.
Suite 1200
DURHAM NC 27707

In re Application of	:	
Tracey, William D. Jr. et, al	:	DECISION ON PETITION
Application No. 12/283,670	:	
Filed: 09/15/2008	:	ACCEPTANCE OF COLOR
Attorney Docket No. 180/237/2	:	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 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

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.
12/283,700	09/12/2008	James P. Edwards	PRD2847USNP	7959
27777	7590	12/22/2011	EXAMINER	
PHILIP S. JOHNSON JOHNSON & JOHNSON ONE JOHNSON & JOHNSON PLAZA NEW BRUNSWICK, NJ 08933-7003			MOORE, SUSANNA	
			ART UNIT	PAPER NUMBER
			1624	
			NOTIFICATION DATE	DELIVERY MODE
			12/22/2011	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):

jnjuspatent@corus.jnj.com
lhowd@its.jnj.com
gsanche@its.jnj.com



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

DEC 22 2011

Jesus Joanos I Timoneda
PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK NJ 08933-7003

In re Application of :
Edwards et al. :
Serial No.: 12/283,700 :DECISION ON PETITION
Filed: 12 September 2008 :
Attorney Docket No.: PRD2847USNP :

This letter is in response to the Petition under 37 C.F.R. 1.144 and 1.181 filed on 19 October 2011 requesting reconsideration of the restriction requirement mailed on 18 March 2011.

BACKGROUND

This application was filed under 35 U.S.C. 111(a) and as such is subject to consideration under US restriction practice.

On 18 March 2011, the examiner mailed a restriction requirement in which the claims 1-24 were divided into 8 groups. The examiner also required an election of species.

On 15 April 2011, Applicants elected Group II, and the compound of Example 122 of the specification, with traverse.

On 19 July 2011, the examiner mailed to applicants a non-final Office action, in which the traversal was considered, and the restriction requirement was both revised and made FINAL. Claims 3, 4, and 12-24 were withdrawn from consideration. Claims 1, 2 and 5-11 were examined. Claims 1, 2 and 5-11 were rejected under 35 U.S.C. § 112, first paragraph, for scope of enablement and second paragraph, for indefiniteness.

On 19 October 2011, applicants filed a response to the Office action and this petition under consideration.

DISCUSSION

The petition and file history have been carefully considered.

The petition requests reconsideration of the restriction between a product of Groups (I-IV) and the processes of Groups (V-VIII), the four methods of use all require administration of the product of claim 1. MPEP 806.05(h) sets forth the following guidance for distinction between products and process of use:

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

The examiner has required restriction between product and processes of use by providing a materially different product that could be used in the process, i.e., that Embrel® could be used in the treatment methods of Groups V-VIII.

Applicants are correct that the distinction between products and processes must be established based on the inventions as claimed. This is consistent with MPEP 806.01, which states “In passing upon questions of double patenting and restriction, it is the claimed subject matter that is considered and such claimed subject matter must be compared in order to determine the question of distinctness or independence.” Here, the process claims do not encompass the use of Embrel®, they require the use of the compounds of claim 1. For this reason, the alternative use proposed by the examiner is not viable.

MPEP 806.05(h) states

If the applicant either proves or provides a convincing argument that the alternative use suggested by the examiner cannot be accomplished, the burden is on the examiner to support a viable alternative use or withdraw the requirement.

In this instance, because the initial reasons to establish distinction are not viable, this decision will establish distinction by providing the following viable alternative use for the product:

Invention I and Invention of Groups (II-V) are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product. See MPEP § 806.05(h). In the instant case, the product may be used in a materially different use, such as in vitro product safety and efficacy screening.

DECISION

The petition is **GRANTED-IN-PART** as follows.

The grounds for establishing distinction between the product and process claims in the first and second restriction requirements are withdrawn. A new ground to establish distinction between the product and process claims is provided in this petition decision.

The restriction requirement between the product, Groups (I-IV) and the process of using the product (Groups V-VIII) is maintained, in view of the outstanding rejections.

The application will be forwarded to the examiner for preparation of an Office action consistent with this decision. Should the product claims become allowable, MPEP 821.04(b) provides guidance concerning potential rejoinder of claims for using an allowable product.

In order to be timely, any request for reconsideration of this decision must be filed under 37 CFR 1.181 within two months of the mailing date of this decision.

Should there be any questions about this decision, please contact Quality Assurance Specialist Julie Burke, by letter addressed to Director, Technology Center 1600, at the address listed above, or by telephone at 571-272-0512 or by facsimile sent to the general Office facsimile number, 571-273-8300.


Remy Yucel
Director, Technology Center 1600



UNITED STATES PATENT AND TRADEMARK OFFICE

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

JONATHAN P. O'BRIEN, PH.D.
HONIGMAN MILLER SCHWARTZ AND COHN LLP
350 EAST MICHIGAN AVENUE
SUITE 300
KALAMAZOO MI 49007

MAILED

MAR 21 2012

OFFICE OF PETITIONS

In re Application
John DeMattei et al.
Application No. 12/283,702
Filed: September 15, 2008
Attorney Docket No.
223306/06-150US/122091

:
:
:
: DECISION ON APPLICATION
: FOR PATENT TERM ADJUSTMENT
:

This is in response to the APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b) filed March 6, 2012. Applicant requests that the determination of patent term adjustment be corrected from 515 to 780 days. Applicant requests this correction in part on the basis that the Office will take in excess of three years to issue this patent and is considered in light of the recent court decision in light of the Court of Appeals for the Federal Circuit's decision in *Wyeth v. Kappos*, 2009-1120 (Fed. Cir. 1-7-2010).

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

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

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

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

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

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

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

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



Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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

27 SEP 2010



UNITED STATES PATENT AND TRADEMARK OFFICE

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

DISNEY ENTERPRISES
C/O FARJAMI & FARJAMI LLP
26522 LA ALAMEDA AVENUE, SUITE 360
MISSION VIEJO CA 92691

In re Application of :
MATIAS, Joven Michael :
Application No.: 12/283,819 : DECISION
Attorney Docket No.: 0260178 :
For: METHOD AND SYSTEM FOR :
PRODUCING A WEB SNAPSHOT :

This decision is in response to applicant's submission filed January 15, 2009, which has properly been treated as a petition under 37 CFR 1.181.

BACKGROUND

On September 15, 2008, applicant filed, *inter alia*, a specification, claims, abstract, drawings, and a declaration of inventors. The application was accorded application number 12/283,819 and a filing date of September 15, 2009.

On October 14, 2008, a NOTICE OF INFORMAL APPLICATION was mailed indicating that a new oath or declaration was required because the declaration filed September 15, 2008 did not identify the complete mailing address of each inventor.

On January 15, 2009, applicant filed a copy of the declaration previously filed on September 15, 2008 and urged that this declaration did identify the complete mailing address of each inventor.

DISCUSSION

37 CFR .163(c)(1) indicates that the declaration of inventors must include the "mailing address, and the residence if an inventor lives at a location which is different from where the inventor customarily receives mail". The declaration filed September 15, 2008 indicates the "residence address of inventor" but not both the mailing address and the residence. Nevertheless, this "residence address" has been construed as being both the mailing address and the residence

of the inventor. If this interpretation is not correct, applicant must notify the Office of Petitions in the Office of the Deputy Commissioner for Patent Examination Policy.

CONCLUSION

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

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3301.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
Office of the Deputy Commissioner
for Patent Examination Policy



UNITED STATES PATENT AND TRADEMARK OFFICE

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

**TROUTMAN SANDERS LLP
5200 BANK OF AMERICA PLAZA
600 PEACHTREE STREET, N.E.
SUITE 5200
ATLANTA GA 30308-2216**

MAILED

OCT 22 2010

In re Application of :
Chris Winslow : **OFFICE OF PETITIONS**
Application No. 12/283,848 :
Filed: September 15, 2008 : **DECISION ON PETITION**
Attorney Docket No. DAV001 : **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 August 31, 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 Bernard Pike and all attorneys/agents associated with customer number 06980 do not have power of attorney, but has acted in a representative capacity in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

The correspondence address has been changed and is copied below.

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

/Kimberly Inabinet/
Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Chris Winslow Davis
577 North Lynnhaven Road
Virginia Beach, VA 23452



UNITED STATES PATENT AND TRADEMARK OFFICE

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

FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW CA 94041

MAILED

SEP 20 2010

OFFICE OF PETITIONS

In re Application of :
Nazemi, et al. :
Application No.: 12/283,853 :
Filed: September 15, 2008 :
Attorney Docket No.: 24680-14746 :
For: ANALOG-TO-DIGITAL CONVERTER :

ON PETITION

This is a decision on the petition under 37 CFR 1.47(a), filed April 8, 2009.

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. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the non-signing inventor. **Failure to respond will result in abandonment of the application.**

A grantable petition under 37 CFR 1.47(a) requires

- (1) a petition including proof of the pertinent facts establishing that the joint inventor(s) refuses to join, or cannot be found or reached after diligent effort,
- (2) a proper oath or Declaration executed by the available joint inventor(s),
- (3) the fee of \$200, and
- (4) the last known address of the omitted inventor(s).

This petition lacks items (1), (2) and (4).

As to item (1), petitioners have failed to establish that Georgios Asmanis has refused to sign the declaration or cannot be reached. A successful Rule 47 petition requires either (1) a clear refusal to join, whether expressly or by conduct, or (2) a showing of diligence in trying to find an unavailable inventor. The proof of the pertinent events should be made by a statement of someone with first hand knowledge of the events.

The statement of facts of Nancy Ricks indicates that Mr. Asmanis is no longer employed by ClariPhy Communications, Inc. ("ClariPhy"). Mr. Asmanis has not answered email requests to the only email

address on file at ClariPhy. Apparently Mr. Asmanis utilized ClariPhy's business address as his mailing address while he was employed by ClariPhy.

Rule 47 petitioners have not expended sufficient effort to locate Inventor Asmanis.

Petitioners are informed that emailing is generally not accepted as a means to communicate with non-signing inventors. This is because the Office cannot know definitely if the message was received; people are not as careful in deleting e-mails as they are in throwing out mail as shown by bulk folder deletions and the fact that some people might not check emails frequently; the Office does not know if the recipient has the program to open the specific attachment; and PTO guidelines regarding accepting email reflects the fact that the Office does not have the same confidence in email as it does in postal service.

The Office typically requires documentary evidence of successful e-mailing in the form of a response email from the non-signing inventor in which the inventor acknowledges receipt of the email and his ability to read the attachments. Sending an email alone is not sufficient.

Other attempts to reach Inventor Asmanis should be attempted. If other attempts to locate the inventor, e.g. through inquiries of computer database (Internet) searches and the telephone fail, then petitioners will establish that the inventor cannot be reached.

Documentary evidence that supports a finding that the non-signing inventor can not be found or reached should be made part of any affidavits or declarations that fully describe the exact facts which are relied on to establish that a diligent effort was made to locate the non-signing inventor. Printed computer records would suffice.

The affidavit or declaration of facts must be signed, where at all possible, by a person having *firsthand knowledge* of the facts recited therein. Statements based on hearsay will not normally be accepted. It is important that the affidavit or declaration contain statements of fact as opposed to conclusions.

With respect to (2) above, an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 still has not been presented. The citizenship of non-signing inventor Asmanis is not included on the declaration. The citizenship of each inventor must be included **on the oath or declaration**. As listing the citizenship for each inventor is a statutory requirement under 35 U.S.C. 115, it cannot be waived.

As stated in MPEP 601: "...If an application data sheet (37 CFR 1.76) is used, data supplied in the application data sheet need not be provided elsewhere in the application except that the citizenship of each inventor must be provided in the oath or declaration under 37 CFR 1.63 even if this information is provided in the application data sheet (see 37 CFR 1.76(b)). If there is a discrepancy between the information submitted in an application data sheet and the information submitted elsewhere in the application, the application data sheet will control except for the naming of the inventors and the citizenship of the inventors. See MPEP § 601.05.

The application data sheet appears to lack residences for some joint inventors. Some information on the ADS does not match information handwritten in the declaration.

It appears that each joint inventor signed his own version of the declaration without seeing the complete declaration seen by other joint inventors. This is evidenced by the fact that the declaration presented to the Office is obviously spliced from several documents and some joint inventor's information has been filed in by hand. Each joint inventor was not looking at the same declaration when he executed it. The inventors must be aware of each other's identity and information.

Regarding Mr. Asmanis' mailing address: MPEP 605.03 provides, "...In situations where an inventor does not execute the oath or declaration and the inventor is not deceased, such as in an application filed under 37 CFR 1.47, the inventor's most recent home address must be given to enable the Office to communicate directly with the inventor as necessary."

The signing inventors must execute another declaration that lists the application serial number and filing date, contains the signers' own information, and lists Mr. Asmanis' information, including citizenship. Please type the information. Please file a supplemental ADS to resolve discrepancies and provide complete information. An oath or declaration in compliance with 37 CFR 1.63 and 1.64 signed by the Rule 1.47 applicants on behalf of the non-signing inventor is REQUIRED. See MPEP 409.03(a).

With respect to (4), a statement of the inventor's last known address is missing and is required. An inventor's last known residential address is typically the last known address. The Office cannot correspond with Mr. Asmanis using ClariPhy's address, as he no longer works there. Perhaps the diligent search for Mr. Asmanis will lead to a residential or at least possible last known address.

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

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

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

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

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

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


Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

APR 12 2011

OFFICE OF PETITIONS

FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW CA 94041

In re Application of :
Nazemi, et al. : **ON PETITION**
Application No.: 12/283,853 :
Filed: September 15, 2008 :
Attorney Docket No.: 24680-14746 :
For: ANALOG-TO-DIGITAL CONVERTER :

This is a decision on the reconsideration petition under 37 CFR 1.47(a), filed March 18, 2011.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the non-signing inventor. **Failure to respond will result in abandonment of the application.**

A grantable petition under 37 CFR 1.47(a) requires

- (1) a petition including proof of the pertinent facts establishing that the joint inventor(s) refuses to join, or cannot be found or reached after diligent effort,
- (2) a proper oath or Declaration executed by the available joint inventor(s),
- (3) the fee of \$200, and
- (4) the last known address of the omitted inventor(s).

This petition lacks item (2).

With respect to (2) above, an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 still has not been presented.

The declaration contains a nondated alteration to information for Inventor Kargar. 37 CFR 1.52(c) states that "[a]ny interlineation, erasure, cancellation or other alteration of the application papers filed should be made on or before the signing of the accompanying oath or declaration pursuant to 1.63...." This includes the oath or declaration. The Office will not consider whether

noninitialed and/or nondated alterations were made before or after signing of the oath or declaration but will require a new oath or declaration. MPEP605.04(a)

Fortunately, the alteration is to information for a signing inventor. Thus, pursuant to 37 CFR 1.67(a)(2), Inventor Kargar can correct his information in a supplemental declaration identifying the entire inventive entity and their information, but signed only by him.

An oath or declaration in compliance with 37 CFR 1.63 and 1.64 signed by the Rule 1.47 applicant on behalf of the non-signing inventor is REQUIRED. See MPEP 409.03(a).

Please submit a supplemental data sheet with consistent information. It is noted that each inventor's mailing address listed on the ADS is 16 Technology Drive, Suite 165, Irvine, CA 92618. This does not match with the variety of mailing addresses listed on the executed declaration and it is certainly not Mr. Asmanis' mailing address.

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

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

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

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

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

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


Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW CA 94041

MAILED
JUN 15 2011
OFFICE OF PETITIONS

In re Application of :
Nazemi, et al. : **ON PETITION**
Application No.: 12/283,853 :
Filed: September 15, 2008 :
Attorney Docket No.: 24680-14746 :
For: ANALOG-TO-DIGITAL CONVERTER :

This is a decision on the reconsideration petition under 37 CFR 1.47(a), filed June 3, 2011.

The petition is **GRANTED**.

Petitioners have shown that the non-signing inventor, Georgios Asmanis cannot be located to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application is being referred to Technology Center G.A.U. 2819 for consideration of the RCE and IDS filed on June 9, 2011.

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

Shirene Willis Brantley
Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/283,885	09/16/2008	Simon J. McCarthy	210420-1028-02	8832
24187	7590	09/26/2011	EXAMINER	
MILLER NASH LLP 601 UNION STREET SUITE 4400 SEATTLE, WA 98101-2352			SAUCIER, SANDRA E	
			ART UNIT	PAPER NUMBER
			1657	
			NOTIFICATION DATE	DELIVERY MODE
			09/26/2011	ELECTRONIC

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

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

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

PATENT@MILLERNASH.COM
charlotte.anderson@millernash.com
chandra.garry@millernash.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

SEP 26 2011

MILLER NASH LLP
601 UNION STREET
SUITE 4400
SEATTLE WA 98101-2352

In re Application of: :
Simon J. McCarthy :
Serial No.: 12/283,885 :
Filed: September 16, 2008 :
Attorney Docket No.: 9604.19975-CIP 4 :

DECISION ON PETITION TO
WITHDRAW THE HOLDING
OF ABANDONMENT

This is in response to applicant's petition under 37 CFR. § 1.181 filed on September 21, 2011, requesting the time period set for the Office action of June 10, 2011 be reset.

Petitioner argues he "only "received" notice of the Office Action at the correspondence address on September 16, 2011 upon performance of a regular check of docketed matters. Immediately upon "receipt" of the Office Action on September 16, 2011, Applicants' representatives resubmitted the New Power of Attorney and Change of Correspondence Address (together with the required Statement Under 3.73(b)) to the U.S. Patent and Trademark Office, as evidenced by a copy of the electronic PAIR file wrapper attached hereto as Exhibit C."

Petitioners' attachments and exhibits are persuasive. Therefore, the petition is GRANTED.

The Office action of June 10, 2011 will be remailed and the time period for responding will be reset.

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

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600



UNITED STATES PATENT AND TRADEMARK OFFICE

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

RAYMOND R. LUPKAS
1112 WINDWARD ROAD
MILFORD, CT 06461-1745

MAILED

AUG 18 2010

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Raymond R. Luppkas :
Application No. 12/283,897 :
Filing Date: September 17, 2008 :
Attorney Docket No. None :

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 30, 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 (PTO/SB/130 form) by the applicant that he 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 571-272-6059. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 3711 for action on the merits commensurate with this decision.


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

KENNETH PALEY
P.O. BOX 15270
SEATTLE WA 98115

MAILED

MAR 19 2012

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Bruns :
Application No. 12/283,938 :
Filed: September 16, 2008 :
Attorney Docket No. **JB-102US** :

This is a decision on the petition to withdraw the holding of abandonment filed on February 23, 2012.

The petition is **DISMISSED**.

The record reflects that a final Office action was mailed on May 17, 2011, allowing a shortened statutory period for reply of three months from its mailing date. Extensions of the time set for reply were available pursuant to 37 CFR 1.136(a). The record reflects that on November 16, 2011, petitioner filed a Request for Continued Examination, and paid fees towards the RCE and an extension of time within the third month. The fees remitted were determined to be lacking by \$140.00. The application became abandoned on August 18, 2011. A Notice of Abandonment was mailed February 3, 2012. A Notice of Abandonment was mailed February 23, 2012.

The instant petition was then filed on February 23, 2012, wherein petitioner asserts that the holding of abandonment was improperly imposed because the fee for the RCE and the extension of time within the third month were paid in the amounts set forth on a page on the USPTO website. Specifically, petitioner cites the following internet address: <http://www.uspto.gov/patents/resources/index.jsp>. Petitioner asserts that the fee schedule provide thereon was inaccurate, but that petitioner should not be penalized for following the fee schedule as it was presented on the USPTO website.

Petitioner argument has been considered, but is not persuasive. Effective September 26, 2011, the fee for an extension of time within the third month for a small entity is \$635.00, and the fee for the RCE is \$465.00. This is reflected on the fee schedule as it is accessed from the homepage of the USPTO website. While the undersigned was unable to locate the alleged inaccurate fee schedule, it is noted that the following statement appears on the webpage to which petitioner cites:

NOTE: The information above was correct at the time of original publication. Some information may no longer be applicable. For example, amendments may have been made to the rules of practice since the original date of a publication, **there may have been a change in any fees indicated, and certain references to publications may no longer be valid.** Wherever there is a reference to a statute or rule, please check carefully whether the statute or rule in force at the date of publication of the advice has since been amended.

Further, applicants are charged with constructive knowledge of all applicable rules and amendment to those rules. This would include changes to the fee schedule, which routinely occur at the conclusion of each fiscal year. Applicants are charged with a filing a proper and timely response to all Office actions



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.
12/283,946	09/16/2008	Balazs Lendvai	2609/77500/JPW/GJG/ML	8087
23432	7590	03/07/2012	EXAMINER	
COOPER & DUNHAM, LLP			JEAN-LOUIS, SAMIRA JM	
30 Rockefeller Plaza			ART UNIT	
20th Floor			PAPER NUMBER	
NEW YORK, NY 10112			1627	
			MAIL DATE	
			DELIVERY MODE	
			03/07/2012	
			PAPER	

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

March 7, 2012

COOPER & DUNHAM, LLP
30 Rockefeller Plaza
20th Floor
NEW YORK NY 10112

Re Application of
LENDVAI, BALAZS, E T AL.

Application: 12/283946

Filed: 09/16/2008

Attorney Docket No: 2609/77500/JPW/GJG/ML

: **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) September 16, 2008.

The petition is **GRANTED**.

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

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

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

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

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

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

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

DENTSPLY INTERNATIONAL INC.
570 WEST COLLEGE AVENUE
YORK PA 17404

MAILED
AUG 05 2010
OFFICE OF PETITIONS

In re Application of :
Huaibing LIU, et al :
Application No. 12/283,954 : DECISION ON PETITION
Filed: September 17, 2008 :
Attorney Docket No. LDC-983-CON2 :

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

The petition is **GRANTED**.

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 9, 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 10, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form a properly signed declaration and required fee; (2) the petition fee of \$1620; and (3) the required statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See *In re Application of S.*, 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$1110 extension of time fee submitted with the petition on June 17, 2010, was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's Deposit Account No. 04-0780.

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

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

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

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.

/dcg/

Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc. DOUGLAS J. HURA, ESQUIRE,
DENTSPLY INTERNATIONAL INC.
570 WEST COLLEGE AVENUE,
P.O. BOX 872
YORK, PA 17405-0872



UNITED STATES PATENT AND TRADEMARK OFFICE

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

**SCOTT A. WHITAKER, SENIOR INTELLECTUAL PROPERTY
COUNSEL
BIONUMERIK PHARMACEUTICALS, INC.
8122 DATAPOINT DRIVE, SUITE 1250
SAN ANTONIO TX 78229**

MAILED

DEC 20 2010

OFFICE OF PETITIONS

In re Application of :
Frederick H. Hausheer et al. :
Application No. 12/283,995 :
Filed: September 18, 2008 :
Attorney Docket No. X-0236-CIP :

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

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

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

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

Inquiries related to this communication should be directed to the undersigned at (571) 272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

SAM R. MCCOY JR.
P.O. BOX 2108
MOUNT PLEASANT SC 29465

MAILED

MAR 08 2012

OFFICE OF PETITIONS

In re Application of	:	
Layt	:	
Application No. 12/284,007	:	DECISION
Filed/Deposited: 17 September, 2008	:	
Attorney Docket No. (None)	:	

This is a decision on the petition filed on 3 January, 2012, pursuant to 37 C.F.R. §1.137(b) for revival of an application abandoned due to unintentional delay.

NOTE:

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

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

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

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

(If Applicant's address has changed, Applicant may wish to update that information to the Office with an updated Application Data Sheet (ADS).)

The instant application went abandoned after failure to reply to a non-final Office action mailed on 22 October, 2009, with a reply due absent extension of time on or before 22 January, 2010—thus, the application went abandoned after midnight 22 January, 2010.

There is absolutely no submission of record detailing how the application became abandoned and remained abandoned for such a period—all in the context of unintentional delay.

The petition pursuant to 37 C.F.R. §1.137(b) is **DISMISSED**.

Application No. 12/284,007

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

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

As to the Allegations
of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

Petitioner does not appear to have addressed properly the requirements under the rule.

Any deficiencies must be overcome.

BACKGROUND

The record reflects as follows:

The Applicant failed to reply timely and properly to the non-final Office action mailed on 22 October, 2009, with reply due absent extension of time on or before 22 January, 2010.

The application went abandoned by operation of law after midnight 22 January, 2010.

The Office mailed a Notice of Abandonment on 13 August, 2010.

On 3 January, 2012, Petitioner filed, *inter alia*, a petition (with fee) pursuant to 37 C.F.R. §1.137(b) to revive the application and a fee for the petition, with fees due as the reply, and made a statement of unintentional delay. As noted earlier, Petitioner failed to:

- Detail how the instant application went abandoned and remained abandoned some two years before a petition to revive was filed—and did and remained so due to unintentional delay;

Application No. 12/284,007

- State that Petitioner made proper and independent inquiry to ensure to Petitioner's satisfaction to state that the entire period of delay was unintentional delay.

Thus, Petitioner failed to comply with the requirements under the Rule.

(The Rules of Practice¹ and the guidance in Commentary in the Manual of Patent Examining Procedure (MPEP)² provide protections and benefits for applicants and practitioners, however, those protections and benefits are unavailable when those rules and guidance are not complied with/followed.)

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c) as to the showing regarding unintentional delay and a petition pursuant to 37 C.F.R. §1.137(b).

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

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.³

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994). And the regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application.^{4, 5}

¹ See: 37 C.F.R.: <http://www.uspto.gov/web/offices/pac/mpep/documents/appxr.htm> .

² See: MPEP: <http://www.uspto.gov/web/offices/pac/mpep/index.htm> .

³ See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §11.18, formerly §10.18, to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

⁴ See: Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. at 53158-59 (October 10, 1997), 1203 Off. Gaz. Pat. Office at 86-87 (October 21, 1997).

⁵ The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition. (Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.) Delays in responding properly raise the question whether delays are unavoidable. Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) And the Petitioner must be diligent in attending to the matter.

Application No. 12/284,007

Moreover, the Office has set forth in the Commentary at MPEP §711.03(c)(I) the showing and timeliness requirements for a proper showing for relief under 37 C.F.R. §1.181 in these matters.

Decisions on reviving abandoned applications on the basis of “unavoidable” delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

The word ‘unavoidable’ . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.⁶

As to Allegations of Unintentional Delay

As indicated above, the requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a proper reply, a proper statement and/or showing of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

As discussed above, it does not appear that Petitioner has satisfied the requirements under the rule.

Petitioners’ attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II) as to a petition pursuant to 37 C.F.R. §1.137.

CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.137(b) is **dismissed**.

Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care. (By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.)

⁶ In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm’r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff’d, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm’r Pat. 139, 141 (1913). In addition, decisions on revival are made on a “case-by-case basis, taking all the facts and circumstances into account.” Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was “unavoidable.” Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

Application No. 12/284,007

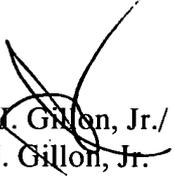
Further correspondence with respect to this matter should be addressed as follows:

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

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

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

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2⁷) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).


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

CC
TODD ANTHONY LAYT
P.O. BOX 1011
RICHMOND, NEW SOUTH WALES
2753
AUSTRALIA

⁷ The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.

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

Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)
Application Number	12284021
Filing Date	17-Sep-2008
First Named Inventor	Brian Nadeau
Art Unit	2113
Examiner Name	MICHAEL MASKULINSKI
Attorney Docket Number	3721.1000-004
Title	METHOD FOR MAINTAINING TRACK DATA INTEGRITY IN MAGNETIC DISK STORAGE DEVICES

An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).

A grantable petition requires the following items:

- (1) Petition fee; and
- (2) One of the following reasons:
 - (a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;
 - (b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or
 - (c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).

Petition Fee

- Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).
- Applicant(s) status remains as SMALL ENTITY.
- Applicant(s) status remains as other than SMALL ENTITY

Reason for withdrawal from issue

- One or more claims are unpatentable
- Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- I certify, in accordance with 37 CFR 1.4(d)(4) that :
- The RCE request ,submission, and fee have already been filed in the above-identified application on
 - Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

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

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

Signature	/David J. Thibodeau, Jr., Reg. No. 31671/
Name	David J. Thibodeau, Jr.
Registration Number	31671



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : June 28,2011

In re Application of :

Brian Nadeau

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12284021

Filed : 17-Sep-2008

Attorney Docket No : 3721.1000-004

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed June 28,2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

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

This application file is being referred to Technology Center AU 2113 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/284,112	09/17/2008	John Knopf	PHPH-028-101	9637

7590 05/11/2011
 ROPES & GRAY LLP
 IPRM - Floor 43
 PRUDENTIAL TOWER
 800 BOYLSTON STREET
 BOSTON, MA 02199-3600

EXAMINER

BORGEEST, CHRISTINA M

ART UNIT	PAPER NUMBER
1649	

1649

NOTIFICATION DATE	DELIVERY MODE
05/11/2011	ELECTRONIC

05/11/2011

ELECTRONIC

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

May 11, 2011

ROPES & GRAY LLP
IPRM - Floor 43
PRUDENTIAL TOWER
800 BOYLSTON STREET
BOSTON MA 02199-3600

In re Application of :
John Knopf et al. : **DECISION ON PETITION**
Application No. 12284112 :
Filed: 9/17/2008 : **ACCEPTANCE OF COLOR**
Attorney Docket No. PHPH-028-101 : **DRAWINGS**

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) January 24, 2007.

The petition is **GRANTED**.

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

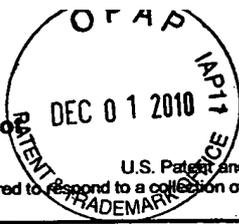
1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description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

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.

17m

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: Not Applicable	Application Number (if known): 12/284,177	Filing date: 09/19/2008
--	---	-------------------------

First Named Inventor: Martin E. Nix

Title: Wedge Shape Solar Cooker

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: Not Applicable

Solar wedge Nix, pdf

Signature: <i>Martin E Nix</i>	Date: NOV 19, 2010
--------------------------------	--------------------

Name (Print/Typed): Martin E Nix	Registration Number: Inventor
----------------------------------	-------------------------------

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

*Total of 1 forms are submitted.

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

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

Pub # 20100071686

Martin Nix
PO Box 95173
Seattle, WA 98145-2173

206-931-0605



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.
12/284,177	09/19/2008	Martin E. Nix		9799

7590 12/21/2010
Martin Nix
PO Box 95173
Seattle, WA 98145-2173

EXAMINER

NAMAY, DANIEL ELLIOT

ART UNIT	PAPER NUMBER
3749	

MAIL DATE	DELIVERY MODE
12/21/2010	PAPER

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

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



Martin Nix
PO Box 95173
Seattle WA 98145-2173

In re Application of :
NIX, MARTIN E. :
Application No. 12/284,177 :
Filed: Sep. 19, 2008 :
Attorney Docket No. n/a :
: DECISION ON PETITION
: TO MAKE SPECIAL UNDER
: THE GREEN TECHNOLOGY
: PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed Dec. 1, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **dismissed**.

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

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

request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

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

The petition lacks items #4 and # 8.

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard. For example, it is not clear how the claimed solar-cooker with dual reflective equilateral-triangles attached to a movable horizontal-reflective-floor-plate, a movable vertical-reflective-back-plate adjacent and attached to a triangle-shaped-reflective-side will provide and enhance the quality of the environment or contribute to development of renewable energy resources or energy conservation or greenhouse gas reduction.

In regard to item 8, petitioner should note that since no request in compliance with 37 CFR 1.219 has been made for the early publication of the present application and the publication fee \$300.00 as set forth in 37 CFR 1.18(d) has not been received, the petition is dismissed.

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

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

This application will be forwarded to the Technology Center Art Unit 3749 for action in its regular turn.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center 3700



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/284,245	09/19/2008	Brian Kobilka	STAN-565	9638
7590 04/08/2011 Stanford University Office of Technology Licensing Bozicevic, Field & Francis LLP 1900 University Avenue Suite 200 East Palo Alto, CA 94303			EXAMINER PARKIN, JEFFREY S	
			ART UNIT	PAPER NUMBER
			1648	
			MAIL DATE	DELIVERY MODE
			04/08/2011	PAPER

ACKNOWLEDGEMENT OF REQUEST
Notice of Allowance/Allowability Mailed

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

April 8, 2011

Stanford University Office of Technology Licensing
Bozicevic, Field & Francis LLP
1900 University Avenue
Suite 200
East Palo Alto CA 94303

In re Application of	:	
Brian Kobilka et al.	:	DECISION ON PETITION
Application No. 12284245	:	
Filed: 9/19/2008	:	ACCEPTANCE OF COLOR
Attorney Docket No. STAN-565	:	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 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 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

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

LUKINS & ANNIS
717 WEST SPRAGUE AVE.
SUITE 1600
SPOKANE, WA 99201

MAILED
MAR 31 2011
OFFICE OF PETITIONS

In re Application of :
Mark Kent Williams, et al. :
Application No. 12/284,258 : DECISION ON PETITION
Filed: September 22, 2008 :
Attorney Docket No. WILLIAMS – TWIST :
OFF CABL :

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

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before January 27, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed October 27, 2010. Accordingly, the date of abandonment of this application is January 28, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$755 and the publication fee of \$300, (2) the petition fee of \$810; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to 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



REED SMITH, LLP
ATTN: PATENT RECORDS DEPARTMENT
599 LEXINGTON AVENUE, 29TH FLOOR
NEW YORK NY 10022-7650

MAILED

APR 28 2011

In re Application of :
Okazaki Naoya et al. :
Application No. 12/284,261 :
Filed: September 19, 2008 :
Attorney Docket No. 501152.20127 :

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 April 12, 2011.

The request is **NOT APPROVED**.

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

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

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 2783

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **BROTHER KOGYO KABUSHIKI KAISHA
15-1 NAESHIRO-CHO, MIZUHO-KU, NAGOYA-SHI
CHI-KEN, JAPAN 467-8561**



UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

AUG 16 2010

OFFICE OF PETITIONS

**The Jackson Patent Group
1500 Forest Avenue, Suite 212
RICHMOND VA 23229**

In re Application of	:	
Stanislaw Majewski et al.	:	
Application No. 12/284,285	:	DECISION ON PETITION
Filed: September 19, 2008	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 1971 (JSA)	:	

This is a decision on the petition, filed February 16, 2010 and subsequently filed on July 15, 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 September 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 November 18, 2010 accompanies this decision on petition.

Petitioner filed a subsequent petition on July 15, 2010 along with a petition fee. The fee amount of \$810 was previously paid on February 16, 2010, therefore no additional fee is due. The amount of \$810 will be refunded to petitioner's credit card account.

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 2884 for examination in due course.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/284,285	09/19/2008	Stanislaw Majewski	1971(JSA)

CONFIRMATION NO. 1275

30010
The Jackson Patent Group
1500 Forest Avenue, Suite 212
RICHMOND, VA 23229

NONPUBLICATION RESCISSION
LETTER



Date Mailed: 08/12/2010

**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 11/18/2010.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"¹ then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282.

¹ Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

/kainabinet/

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/284,294	09/19/2008	Satoshi Suda	13005-325US	1320
60468	7590	04/14/2011	EXAMINER	
MASUVALLEY & PARTNERS			NGUYEN, ANH-VO	
8765 AERO DRIVE			ART UNIT	PAPER NUMBER
SUITE 312			3717	
SAN DIEGO, CA 92123			MAIL DATE	DELIVERY MODE
			04/14/2011	PAPER

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

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



UNITED STATES 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.
12284294	9/19/2008	SUDA, SATOSHI	13005-325US

MASUVALLEY & PARTNERS
8765 AERO DRIVE
SUITE 312
SAN DIEGO, CA 92123

EXAMINER

ANH-VO V. NGUYEN

ART UNIT	PAPER
3717	20110412

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 08/26/2009, it has been found that this nonprovisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 CFR 1.48(a). The inventorship of this application has been changed by the addition of inventor Deven Hubbard. The application will be forwarded to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt, and correction of Office records to reflect the inventorship as corrected.

/Melba Bumgarner/
Supervisory Patent Examiner, Art Unit 3717



UNITED STATES PATENT AND TRADEMARK OFFICE

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

MORRISS OBRYANT COMPAGNI, P.C.
734 EAST 200 SOUTH
SALT LAKE CITY UT 84102

MAILED

AUG 01 2011

In re Application of	:	OFFICE OF PETITIONS
Christopher A. Wickliffe et al.	:	
Application No. 12/284,339	:	DECISION ON PETITION
Filed: September 18, 2008	:	TO WITHDRAW
Attorney Docket No. 2946.WICK.CIP	:	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 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. 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 Frank W. Compagni, on behalf of all attorneys/agents associated with customer number 26986. All attorneys/agents associated with customer number 26986 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: Christopher A. Wickliffe
1320 16th Street
Ogden, UT 84404



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
12/284,339	09/18/2008	Christopher A. Wickliffe	2946.WICK.CIP

CONFIRMATION NO. 9959

POWER OF ATTORNEY NOTICE

26986
MORRISS OBRYANT COMPAGNI, P.C.
734 EAST 200 SOUTH
SALT LAKE CITY, UT 84102



Date Mailed: 07/28/2011

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.

/kainabinet/

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



30 AUG 2010

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

Gerald R. Black, Esq.
Suite 67A
30320 Southfield Road
Southfield, MI 48076

In re Application of :
BLACK, Gerald R. :
Application No.: 12/284,405 :
Filing Date: September 22, 2008 :
Attorney Docket No.: None :
For: MOBILE COMMUNICATION DEVICE :

DECISION

This is a decision on the renewed petition under 37 CFR 1.78, filed June 11, 2010 to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) and § 120 for the benefit of priority to the prior-filed international application designating the United States of America and the provisional applications as set forth in the amendment filed concurrently with the renewed petition.

The renewed petition is **GRANTED**.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed international and provisional applications is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii) and 1.78(a)(5)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3) and 1.78(a)(6).

- (1) the reference required by 35 U.S.C. § 120, § 119(e) and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Items (2) and (3) were previously satisfied. With regards to item (1), the prior decision noted that a substitute amendment complying with 37 CFR 1.121, or a supplemental application data sheet (37 CFR 1.76) was required. In the renewed response, applicants provided a substitute amendment containing a reference to the prior-filed international application designating the United States of America in accordance with 37 CFR 1.78 to the first sentence of the specification following the title, as provided by 37 CFR 1.78(a)(2)(iii).

Having found that the petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. §§ 120 and 119(e) to the prior-filed applications

satisfies the conditions of 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §§120 and 365(c) and 1.78(a)(1) and (a)(2) and under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

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

Any questions concerning this decision may be directed to James Thomson at (571) 272-3302.

This matter is being referred to Technology Center Art Unit 2617 for appropriate action on the amendment filed June 11, 2010, including consideration by the examiner of applicants' entitlement to claim benefit of priority under 35 U.S.C. § 120 and § 119(e) to the prior-filed international and provisional applications.



Boris Milef
PCT Legal Examiner
Office of PCT Legal Administration



UNITED STATES PATENT AND TRADEMARK OFFICE

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

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. Values: 12/284,405, 09/22/2008, 2617, 515, [blank], 20, 3

CONFIRMATION NO. 1164

CORRECTED FILING RECEIPT



Date Mailed: 08/27/2010

Gerald R. Black, Esq.
Suite 67A
30320 Southfield Road
Southfield, MI 48076

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)

Gerald R. Black, Southfield, MI;
Alyssa S. Black, Grand Rapids, MI;

Power of Attorney:

Gerald Black--29514

Domestic Priority data as claimed by applicant

This application is a CON of PCT/US07/07288 03/20/2007 which claims benefit of 60/792,570 04/16/2006 and claims benefit of 60/813,402 06/14/2006 and claims benefit of 60/877,998 12/29/2006 and claims benefit of 60/801,634 05/18/2006 and claims benefit of 60/792,571 04/16/2006 and claims benefit of 60/788,084 03/28/2006 and claims benefit of 60/783,785 03/20/2006 and claims benefit of 60/861,917 11/30/2006

Foreign Applications

If Required, Foreign Filing License Granted: 08/27/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 12/284,405

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Mobile communication device

Preliminary Class

455

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).



UNITED STATES PATENT AND TRADEMARK OFFICE

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

GERALD R. BLACK, ESQ.
SUITE 67A
30320 SOUTHFIELD ROAD
SOUTHFIELD, MI 48076

MAILED

JAN 03 2011

OFFICE OF PETITIONS

In re Application of :
Black et al. :
Application No. 12/284,405 :
Filing: September 22, 2008 :
Title: MOBILE COMMUNICATION :
DEVICE :

ON PETITION

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 8, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement by the applicant that he is 65 years of age or more. Accordingly, the above-identified application has been accorded "special" status.

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

This matter is being referred to the Technology Center Art Unit 2617 for action on the merits commensurate with this decision.


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

LEE WEINSTEIN
32A FAIRMONT STREET
ARLINGTON MA 02474

MAILED

NOV 15 2010

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Jay Gainsboro :
Application No.12/284,450 :
Filed: September 20, 2008 :
Attorney Docket No. JayConversRPA3 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 19, 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.

This above-identified application became abandoned for failure to file a response to a Notice to File Missing Parts, which was mailed on October 21, 2008. The Notice to File Missing Parts set an extendable two (2) month period for reply. No timely request for extension of time was obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on December 22, 2008. A Notice of Abandonment was mailed June 29, 2009.

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

As to item (1), although petitioner has provided a declaration, replacement drawings and abstract, petitioner has failed to provide the \$65.00 surcharge. Further review of the record confirms that a general authorization to charge a deposit account is not present. As such the application cannot be revived without the surcharge fee.

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

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

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

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

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



Charlema Grant
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

LEE WEINSTEIN
32A FAIRMONT STREET
ARLINGTON MA 02474

MAILED

DEC 20 2010

In re Application of :
Jay Gainsboro :
Application No.12/284,450 :
Filed: September 20, 2008 :
Attorney Docket No. JayConversRPA3 :

OFFICE OF PETITIONS

ON PETITION

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

The petition is **GRANTED**.

This above-identified application became abandoned for failure to file a response to a Notice to File Missing Parts, which was mailed on October 21, 2008. The Notice to File Missing Parts set an extendable two (2) month period for reply. No timely request for extension of time was obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on December 22, 2008. A Notice of Abandonment was mailed June 29, 2009. A petition under 37 CFR 1.137(b) was dismissed November 15, 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 declaration, surcharge, replacement drawings and abstract (2) the petition fee of \$810, and (3) a proper statement of unintentional delay.

This application is being referred to the Office of Patent Application Processing for pre-examination processing.

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

Charlema Grant
Petitions Attorney
Office of Petitions



MAILED

AUG 12 2010

OFFICE OF PETITIONS

KLAUS SCHRODER
7226 COVENTRY Rd. N.
E. SYRACUSE NY 13057

In re Application of
Klaus Schroder
Application No. 12/284,453
Filed: September 22, 2008
Attorney Docket No.

:
:
:
:
:
:
:

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

This is a decision on the communication filed January 8, 2010, requesting early publication of the instant publication.

The petition is **DISMISSED AS MOOT**.

A request to have an application published earlier than the date that is eighteen months after the earliest filing date for which benefit is claimed, is considered under the provisions of 37 CFR 1.219. Such a request must be accompanied by the publication fee set forth in 37 CFR 1.18(d). The instant request was not accompanied by this fee. As the application was published on March 25, 2010, the instant request is dismissed as moot.

However, petitioner may wish to file a petition to have the instant application made special based on applicant's age to have the examination of the application advanced. 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. A copy of the form for filing such a petition is enclosed.

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the

documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14).

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

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

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

By FAX: (571) 273-8300

Telephone inquiries concerning this decision should be directed to 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 2824 for action in its regular turn.



JoAnne Burke
Petitions Examiner
Office of Petitions

Attachment: Blank Petition to Make Special Based on Age/Health

Doc code : PET.OP.AGE
 Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)
 Approved for use through 07/31/2012. OMB 0651-0031
 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number		Confirmation Number		Filing Date	
Attorney Docket Number (optional)		Art Unit		Examiner	
First Named Inventor					
Title of Invention					
<p>Attention: Office of Petitions An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See <u>37 CFR 1.102(c)(1)</u> and MPEP 708.02 (IV).</p> <p>APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.</p> <p>A grantable petition requires one of the following items: (1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or (2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.</p>					
Name of Inventor who is 65 years of age, or older					
Given Name	Middle Name	Family Name		Suffix	
<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		Date (YYYY-MM-DD)			
Name		Registration Number			

Privacy Act Statement

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

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

PATTERSON THUENTE CHRISTENSEN PEDERSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS MN 55402-2100

MAILED

FEB 16 2011

OFFICE OF PETITIONS

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

In re Application of :
Rankine et al. :
Application No. 12/284,468 :
Filed: September 22, 2008 :
Attorney Docket No. 4133.01US02 :

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 14, 2011, which is being treated as a request to withdraw from employment in a proceeding before the Office under 37 C.F.R. § 10.40.

The request is **DISMISSED**.

A review of the file record indicates that Patterson Thuente Christensen Pedersen, P.A. does not have power of attorney in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

The request to change the correspondence address of record is not accepted in view of Patterson Thuente Christensen Pedersen, P.A. not having power of attorney. See MPEP §§ 601.03 and 405.

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 28, 2011 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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

**PATTERSON THUENTE CHRISTENSEN PEDERSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS MN 55402-2100**

**MAILED
FEB 28 2011
OFFICE OF PETITIONS**

In re Application of :
Rankine et al. :
Application No. 12/284,468 : **DECISION ON PETITION**
Filed: September 22, 2008 : **TO WITHDRAW FROM RECORD**
Attorney Docket No. 4133.01US02 :
:

CORRECTED DECISION

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 14, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office 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).

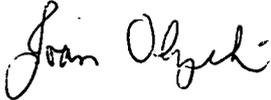
The request was signed by Brad Pedersen on behalf of all attorneys of record who are associated with Customer Number 24113.

All attorneys/agents associated with the Customer Number 24113 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 January 28, 2011 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: Scott Rankine
460 Richmond Street West, Suite 602
Toronto, Ontario M5V 1Y1 CA



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Adam R. Stephenson, Esq
60 E Rio Salado Pkwy
9th Floor
Tempe AZ 85281

MAILED
SEP 27 2010
OFFICE OF PETITIONS

In re Application of :
Jeffrey L .Harrison : **DECISION ON PETITION**
Application No. 12/284,485 : **TO WITHDRAW**
Filed: September 23, 2008 : **FROM RECORD**
Attorney Docket No. 2917233-002001 :

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

The request is **NOT APPROVED**.

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

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

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

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

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

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

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/284,513	09/23/2008	Essam Tawfik Marcus		2411

7590 09/09/2010
Essam T. Awdalla
124 Black Ridge Road
Morrisville, NC 27560

EXAMINER

BOBISH, CHRISTOPHER S

ART UNIT	PAPER NUMBER
----------	--------------

3746

MAIL DATE	DELIVERY MODE
-----------	---------------

09/09/2010

PAPER

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

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Arthur Graham III
2240 Natoma Dr.
Virginia Beach VA 23456

MAILED
MAR 15 2012
OFFICE OF PETITIONS

In re Application of :
Arthur Graham III :
Application No. 12/284,519 : DECISION ON PETITION
Filed: December 22, 2008 : UNDER 37 C.F.R. § 1.137(B)
Title: EASY CONNECT SNAP BUTTON :
DRESS SHIRT :

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

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

The above-identified 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 months. An amendment was received on January 7, 2011, however the submission did not contain a request for a three-month extension of time under the provisions of 37 C.F.R. § 1.136(a) that was required in order to make timely the submission. Accordingly, the above-identified application became abandoned on December 31, 2010. A notice of abandonment was mailed on January 30, 2012.

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

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

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

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

With this petition, Petitioner has submitted \$900 and the proper statement of unintentional delay.

Petition fee requirement

The fee for filing a petition to revive an unintentionally abandoned application under 37 C.F.R. § 1.137(b) is presently set forth in 37 C.F.R. § 1.17(m) as being \$930 for an other than large entity. With this petition, \$900 was submitted, and a general authorization to charge any fee deficiency to a Deposit Account has not been located in the electronic file.

The payment of the required petition fee *in full* is a prerequisite to the filing of a petition to revive pursuant to 37 C.F.R. § 1.137. Therefore, consideration of the merits of the petition before receipt of the filing fee would be premature. See M.P.E.P. § 711.03(c) (III) (B), which sets forth, *in toto*:

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 CFR 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 CFR 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** (emphasis added).

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

Decision on Petition pursuant to 37 C.F.R. § 1.137(b)

The phrase "unless the petition is filed under [35 U.S.C.] 133 or 151" signifies that petitions to revive filed on the basis of "unavoidable" delay (under 35 U.S.C. 133 or 151) are a subset of petitions to revive filed on the basis of unintentional delay. That is, "unavoidable" delay and "unintentional" delay are not alternatives; "unavoidable" delay is the epitome of "unintentional" delay. Any petition to revive an abandoned application or lapsed patent must meet the minimal "unintentional" delay threshold, and an applicant need only pay the fee specified in 37 CFR 1.17(l) (rather than the fee specified in 37 CFR 1.17(m)) if the petition is also accompanied by an adequate showing 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.

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. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.137(b)". This is not a final agency action within the meaning of 5 U.S.C § 704.

Petitioner must submit an additional \$30 if he wishes for the Office to consider this petition under the unintentional standard.

Any subsequent filing pertaining to the abandonment of this application should indicate that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,¹ hand-delivery,² or facsimile.³ Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.⁴

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

1 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

2 Customer Window, Randolph Building, 401 Dulany Street, Alexandria, VA, 22314.

3 (571) 273-8300: please note this is a central facsimile number.

4 <https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html>

Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225.⁵



Paul Shanowski
Senior Attorney
Office of Petitions

⁵ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.



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.
12/284,521 09/23/2008 Elena V. Gostjeva 2909.1001-017 1846

7590 06/10/2011
HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD, MA 01742-9133

EXAMINER

MARTIN, PAUL C

ART UNIT PAPER NUMBER

1653

MAIL DATE DELIVERY MODE

06/10/2011

PAPER

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

June 9, 2011

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD MA 01742-9133

In re Application of	:	
Gostjeva, Elena V. et, al	:	DECISION ON PETITION
Application No. 12/284,521	:	
Filed: 09/23/2008	:	ACCEPTANCE OF COLOR
Attorney Docket No. 2909.1001-017	:	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 23, 2008.

The petition is **GRANTED**.

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

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

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

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Ilya Zborovsky
3 Courtyard Circle
Centerport NY 11721

MAILED

JAN 12 2012

OFFICE OF PETITIONS

In re Application of
YASHA FELDMAN ET AL.
Application No. 12/284,529
Filed: September 24, 2008
Attorney Docket No.

:
:
:
:
:

DECISION ON PETITION

This is a decision on the petition, filed October 14, 2011 and resubmitted on November 28, 2011, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the final Office action of March 2, 2010, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on September 15, 2010.

Petitioner contends that the Notice of Abandonment was mailed in error since a timely reply (Notice of Appeal) was submitted to the Office on September 1, 2010, with a request for three (3) month extension of time. A review of the application file record confirms the receipt of this reply with the fees for a three (3) month extension of time, on September 7, 2010. Furthermore, an appeal brief was timely filed on February 14, 2011. Thus, the application is not abandoned in fact.

In view of the above, the Notice of Abandonment is hereby **VACATED** and the holding of abandonment **WITHDRAWN**.

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

This application is being referred to Technology Center AU 3685 for appropriate action in the normal course of business on the Appeal Brief filed February 14, 2011.

/Ramesh Krishnamurthy/
Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

**ILYA ZBOROVSKY
3 COURTYARD CIRCLE
CENTERPORT NY 11721**

**MAILED
NOV 08 2011
OFFICE OF PETITIONS**

In re Application of	:	
FELDMAN	:	
Application No. 12/284,530	:	DECISION ON PETITION
Filed: September 24, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 14, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **DISMISSED** as moot.

The petition filed October 14, 2011, is dismissed as moot in view of the petition that was granted on November 10, 2008. On November 10, 2008, this application was granted special status, however, at the present time the application is abandoned for failure to file a proper reply to the Office letter mailed November 17, 2010. Since no proper reply was received, the application became abandoned and a Notice of Abandonment was mailed June 28, 2011. In this regard, special status cannot be granted because the application is currently in the abandonment status.

If petitioner wishes to revive the above-identified application, petitioner is strongly encouraged to contact either the Office of Petitions at (571) 272-3282 or the Inventor Assistance Center at 800-787-9199 for guidance.

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

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Ilya ZBorovsky
3 Courtyard Circle
Centerport NY 11721

MAILED
DEC 09 2011
OFFICE OF PETITIONS

In re Application of
Feldman
Application No. 12/284,530
Filed: September 24, 2008
Title: COMPUTER GAME

DECISION ON PETITION

This is a decision on the petition, filed November 28, 2011, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision. *Note* 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment."

The submission of the petition to withdraw the holding of abandonment is untimely. 37 CFR 1.181(f) provides that, inter alia, except as otherwise provided, any petition not filed within 2 months of the mail date of a notice of abandonment (the action complained of) may be dismissed as untimely. The Notice of Abandonment was mailed on June 28, 2011. A petition was not filed in this application until November 28, 2011. Thus, the petition is untimely.

If petitioner cannot supply the evidence necessary to withdraw the holding of abandonment, or simply does not wish to, petitioner should consider filing a petition under 37 CFR 1.137(b) stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the \$810 petition fee.

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

CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

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

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

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

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

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



Charlema Grant
Attorney Advisor
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

DLA PIPER LLP, US
1999 Avenue of the Stars
Suite 400
Los Angeles, CA 90067

MAILED
MAY 06 2011
OFFICE OF PETITIONS

In re Application of :
Kenji Sugawara, et. al. :
Application No. 12/284,536 :
Filed: September 23, 2008 :
Attorney Docket No. 374762-000013 :

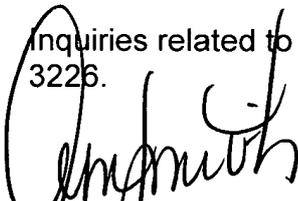
NOTICE

This is a Notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28, filed on March 17, 2011.

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

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**. Therefore, status as a small entity has been removed and any future fee(s) submitted must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3226.


Andrea Smith
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

DAVID E. PRITCHARD
ATTORNEY AT LAW
3843 DRAKEWOOD DRIVE, SUITE 100
CINCINNATI OH 45209-2125

MAILED
DEC 09 2011
OFFICE OF PETITIONS

In re Application of :
Johnson :
Application No. 12/284,575 : **DECISION ON PETITION**
Filed: September 23, 2008 :
Attorney Docket No. ART.02US :
For: COMPARTMENT DIVIDER :
ASSEMBLY :

This is a decision on the petition, filed November 23, 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 to withdraw the holding of abandonment is **GRANTED**.

This above-identified application became abandoned for failure to timely file a reply to a non-final Office action mailed May 2, 2011. The Office Action set a three (3) month shortened statutory period for reply. No extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, this application was held abandoned on August 3, 2011. A Notice of Abandonment was mailed on November 16, 2011.

Petitioner contends that the response submitted on November 16, 2011 included a certificate of mailing dated November 2, 2011 and a three month extension of time (accompanying fee).

Pursuant to 37 CFR 1.8, correspondence will be considered timely if the party who forwarded such correspondence:

- 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. Accordingly, the holding of abandonment for failure to timely file a reply to the Office action of May 2, 2011 is hereby withdrawn and the application restored to pending status.

The Office has located the original reply received on November 16, 2011 with the certificate of mailing dated November 2, 2011. The reply included an amendment and a request for three month extension of time. As such the reply is deemed timely.

This application is being referred to Technology Center AU 3637 for appropriate action in the normal course of business on the reply received on November 16, 2011.

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



Charlema Grant
Attorney Advisor
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

VICTOR LYATKHER
563 BARTOW LN
RICHMOND HTS OH 44143

MAILED

MAR 28 2011

OFFICE OF PETITIONS

In re Application of	:	
Lyatkher	:	
Application No. 12/284,577	:	DECISION
Filed: 23 September, 2008	:	
Attorney Docket No. (None)	:	

This is a decision on the petition filed on 17 February, 2011, and again on 22 February, 2011, for revival of an application abandoned due to unavoidable delay pursuant to 37 C.F.R. §1.137(a).

NOTE:

Petitioner’s explanation for the delay in payment of Fees Due is that he was “out of the country for a prolonged period and did not receive [his] mail.”

Petitioner’s showing is not within the constraints of the diligence requirements envisioned in *Pratt*.¹ Petitioner may be able to present a petition averring unintentional delay, however, the facts presented as to unavoidable delay do not satisfy the requirements under the Rule

The petition pursuant to 37 C.F.R. §1.137(a) is **DISMISSED**.

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

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

¹ Ex parte Pratt, 1887 Dec. Comm’r Pat. 31, 32-33 (1887))

As to Allegation of
Unavoidable Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(a) are the petition and fee therefor, a reply, a proper showing of unavoidable delay under the regulation, and, where applicable, a terminal disclaimer and fee.

Petitioner does not appear to have satisfied—and may be unable to satisfy—the showing requirements (as to unavoidable delay) under the Rule.

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c) as to the showing regarding unavoidable delay and a petition pursuant to 37 C.F.R. §1.137(a).

BACKGROUND

Petitioner failed to reply timely and properly to the Notice of Allowance/Allowability and Fees Due 23 November, 2009, with reply due under a non-extendable deadline on or before 23 February, 2010.

The application went abandoned by operation of law after midnight 23 February, 2010.

The Office mailed the Notice of Abandonment on 9 March, 2010.

On 15 March, 2010, Petitioner submitted, *inter alia*, fees due almost a month earlier.

On 17 February, 2011, and again on 22 February, 2011, Petitioner filed, *inter alia*, a petition with fee and pointed to an earlier reply in the form of fees due, and averred unavoidable delay pursuant to 37 C.F.R. §1.137(a) because that he was “out of the country for a prolonged period and did not receive [his] mail.”

While there may be some basis for considering the delay in payment unintentional, there is no basis submitted of record that can satisfy a showing of unavoidable delay. Petitioner's showing is not within the constraints of the diligence requirements envisioned in *Pratt*.² Moreover, also problematic is Petitioner's failure to file any petition to revive for nearly a year.

It appears that Petitioner's only alternative may be to properly file a petition to the Commissioner requesting revival of an application abandoned due to unintentional delay pursuant to 37 C.F.R. §1.137(b).

² Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c) as to the showing regarding unavoidable delay and a petition pursuant to 37 C.F.R. §1.137(a).

Thus, it is noted that the guidance in the Commentary at MPEP §711.03(c)(II) for the showing required pursuant to 37 C.F.R. §1.137(a) provides in pertinent part:

...Unavoidable Delay

As discussed above, "unavoidable" delay is the epitome of "unintentional" delay. Thus, an intentional delay precludes revival under 37 C.F.R. §137(a) ("unavoidable" delay) or 37 C.F.R. §1.137(b) ("unintentional" delay). See Maldague, 10 USPQ2d at 1478.

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

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

In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 667-68 (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).

A delay resulting from an error (e.g., a docketing error) on the part of an employee in the performance of a clerical function may provide the basis for a showing of "unavoidable" delay, provided it is shown that:

(A) the error was the cause of the delay at issue;

*(B)there was in place a business routine for performing the clerical function that could reasonably be relied upon to avoid errors in its performance; and
(C)the employee was sufficiently trained and experienced with regard to the function and routine for its performance that reliance upon such employee represented the exercise of due care.*

See In re Egbers, 6 USPQ2d 1869, 1872 (Comm'r Pat. 1988), rev'd on other grounds sub nom., Theodor Groz & Sohne & Ernst Bechert Nadelfabrik KG v. Quigg, 10 USPQ2d 1787 (D.D.C. 1988); In re Katrapat, 6 USPQ2d 1863, 1867-68 (Comm'r Pat. 1988). For example, where an application becomes abandoned as a consequence of a change of correspondence address (the Office action being mailed to the old, uncorrected address and failing to reach the applicant in sufficient time to permit a timely reply) an adequate showing of "unavoidable" delay will require a showing that due care was taken to adhere to the requirement for prompt notification in each concerned application of the change of address (see MPEP § 601.03), and must include an adequate showing that a timely notification of the change of address was filed in the application concerned, and in a manner reasonably calculated to call attention to the fact that it was a notification of a change of address. The following do not constitute proper notification of a change in correspondence address:

(A)the mere inclusion, in a paper filed in an application for another purpose, of an address differing from the previously provided correspondence address, without mention of the fact that an address change was being made;

(B)the notification on a paper listing plural applications as being affected (except as provided for under the Customer Number practice - see MPEP § 403); or

(C)the lack of notification, or belated notification, to the U.S. Patent and Trademark Office of the change in correspondence address.

Delay resulting from the lack of knowledge or improper application of the patent statute, rules of practice or the MPEP, however, does not constitute "unavoidable" delay. See Haines, 673 F. Supp. at 317, 5 USPQ2d at 1132; 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). For example, as 37 C.F.R. 1.116 and 1.135(b) are manifest that proceedings concerning an amendment after final rejection will not operate to avoid abandonment of the application in the absence of a timely and proper appeal, a delay is not "unavoidable" when the applicant simply permits the maximum extendable statutory period for reply to a final Office action to expire while awaiting a notice of allowance or other action.

Likewise, as a "reasonably prudent person" would file papers or fees in compliance with 37 C.F.R. §1.8 or §1.10 to ensure their timely filing in the USPTO, as well as preserve

adequate evidence of such filing, a delay caused by an applicant's failure to file papers or fees in compliance with 37 C.F.R. §1.8 and §1.10 does not constitute "unavoidable" delay. See *Krahn*, 15 USPQ2d at 1825. Finally, a delay caused by an applicant's lack of knowledge or improper application of the patent statute, rules of practice or the MPEP is not rendered "unavoidable" due to: (A) the applicant's reliance upon oral advice from USPTO employees; or (B) the USPTO's failure to advise the applicant of any deficiency in sufficient time to permit the applicant to take corrective action. See *In re Sivertz*, 227 USPQ 255, 256 (Comm'r Pat. 1985).

35 U.S.C. §133 and §151 each require a showing that the "delay" was "unavoidable," which requires not only a showing that the delay which resulted in the abandonment of the application was unavoidable, but also a showing of unavoidable delay until the filing of a petition to revive. See *In re Application of Takao*, 17 USPQ2d 1155 (Comm'r Pat. 1990).

The burden of continuing the process of presenting a grantable petition in a timely manner likewise remains with the applicant until the applicant is informed that the petition is granted. *Id.* at 1158. Thus, an applicant seeking to revive an "unavoidably" abandoned application must cause a petition under 37 C.F.R. §1.137(a) to be filed without delay (i.e., promptly upon becoming notified, or otherwise becoming aware, of the abandonment of the application).

An applicant who fails to file a petition under 37 C.F.R. §1.137(a) "promptly" upon becoming notified, or otherwise becoming aware, of the abandonment of the application will not be able to show that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. §1.137(a) was unavoidable. The removal of the language in 37 C.F.R. §1.137(a) requiring that any petition thereunder be "promptly filed after the applicant is notified of, or otherwise becomes aware of, the abandonment" should **not** be viewed as: (A) permitting an applicant, upon becoming notified, or otherwise becoming aware, of the abandonment of the application, to delay the filing of a petition under 37 C.F.R. §1.137(a); or (B) changing (or modifying) the result in *In re Application of S*, 8 USPQ2d 1630 (Comm'r Pat. 1988), in which a petition under 37 C.F.R. §1.137(a) was denied due to the applicant's deliberate deferral in filing a petition under 37 C.F.R. § 1.137. An applicant who deliberately chooses to delay the filing of a petition under 37 C.F.R. §1.137 (as in *Application of S*, 8 USPQ2d at 1632) will not be able to show that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to [37 C.F.R. §1.137(a)] was unavoidable" or even make an appropriate statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to [37 C.F.R. §1.137(b)] was unintentional."

The dismissal or denial of a petition under 37 C.F.R. §1.137(a) does not preclude an applicant from obtaining relief pursuant to 37 C.F.R. 1. §137(b) on the basis of

unintentional delay (unless the decision dismissing or denying the petition under 37 C.F.R. 1.137(a) indicates otherwise). In such an instance, a petition under 37 C.F.R. 1.137(b) may be filed accompanied by the fee set forth in 37 C.F.R. §1.17(m), the required reply, a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. §1.137(b) was unintentional, and any terminal disclaimer required by 37 C.F.R. §1.137(c). Form PTO/SB/61 or PTO/SB/61PCT may be used to file a petition for revival of an unavoidably abandoned application.

Petitioner has failed to satisfy the requirements under the Rule and discussed above.

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

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.³

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).

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

³ See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.⁴

Again, Petitioner's attentions are directed to the guidance in the Commentary at MPEP §711.03(c).

As to Allegations of Unavoidable Delay

The requirements under 37 C.F.R. §1.137(a) are the petition and fee therefor, a reply, a proper showing of unavoidable delay under the regulation, and, where applicable, a terminal disclaimer and fee.

As of this writing it appears that Petitioner has failed to satisfy the requirements under the Rule.

CONCLUSION

Accordingly, the petition under 37 C.F.R. §1.137(a) is **dismissed**.

ALTERNATIVE VENUE

Should Petitioner wish to revive the application, Petitioner may wish to properly file a petition to the Commissioner requesting revival of an application abandoned due to unintentional delay under 37 C.F.R. §1.137(b). (See: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c and <http://www.uspto.gov/web/forms/sb0064.pdf>)

A petition to revive on the grounds of unintentional delay must be filed promptly and such petition must be accompanied by the proper reply, the petition fee, 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 a terminal disclaimer and fee where appropriate. (The statement is in the form available online.)

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

⁴ *In re Mattullath*, 38 App. D.C. 497, 514-15 (1912)(quoting *Ex parte Pratt*, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also *Winkler v. Ladd*, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), *aff'd*, 143 USPQ 172 (D.C. Cir. 1963); *Ex parte Henrich*, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." *Smith v. Mossinghoff*, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." *Haines v. Quigg*, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

Application No. 12/284,577

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

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

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

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2⁵) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).


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

⁵ The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

VICTOR LYATKHER
563 BARTOW LN
RICHMOND HTS OH 44143

MAILED

JUL 22 2011

In re Application of
Lyatkher
Application No. 12/284,577
Filed: 23 September, 2008
Attorney Docket No. (None)

OFFICE OF PETITIONS

DECISION

This is a decision on the petition filed on 2 May, 2011, for revival of an application abandoned due to unintentional delay pursuant to 37 C.F.R. §1.137(b).

NOTE:

The record (including the petition filed on 22 February and 2 May, 2011) does not necessitate a finding that the delay between midnight 23 February, 2010 (the date of abandonment), and 2 May, 2011 (the date of the filing of grantable petition), was not unintentional.

Rather, the Patent and Trademark Office is relying in this matter on the duty of candor and good faith of Petitioner Victor M. Lyatkher when accepting Petitioner's representation that the delay in filing the response was unintentional.¹

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

As to the Allegations
of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement and/or showing of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II).

¹ See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 C.F.R. §1.137(b) to the Patent and Trademark Office).

BACKGROUND

Petitioner failed to reply timely and properly to the Notice of Allowance/Allowability and Fees Due 23 November, 2009, with reply due under a non-extendable deadline on or before 23 February, 2010.

The application went abandoned by operation of law after midnight 23 February, 2010.

The Office mailed the Notice of Abandonment on 9 March, 2010.

On 15 March, 2010, Petitioner submitted, *inter alia*, fees due almost a month earlier.

On 17 February, 2011, and again on 22 February, 2011, Petitioner filed, *inter alia*, a petition with fee and pointed to an earlier reply in the form of fees due, and averred unavoidable delay pursuant to 37 C.F.R. §1.137(a) because that he was “out of the country for a prolonged period and did not receive [his] mail.” There was no basis submitted of record to satisfy a showing of unavoidable delay within the constraints of the diligence requirements envisioned in *Pratt*.² The petition was dismissed on 28 March, 2011.

On 2 May, 2011, Petitioner filed, *inter alia*, a petition (with fee) pursuant to 37 C.F.R. §1.137(b), and pointed to the reply in the form of fees due, and made the statement of unintentional delay.

As noted above, the record (including the petition filed on 22 February and 2 May, 2011) does not necessitate a finding that the delay between midnight 23 February, 2010 (the date of abandonment), and 2 May, 2011 (the date of the filing of grantable petition), was not unintentional.

Rather, the Patent and Trademark Office is relying in this matter on the duty of candor and good faith of Petitioner Victor M. Lyatkher when accepting Petitioner’s representation that the delay in filing the response was unintentional.³

Petitioners’ attentions always are directed to the guidance in the Commentary at MPEP §711.03(c) as to the showing regarding unintentional delay and a petition pursuant to 37 C.F.R. §1.137(b).

² *Ex parte Pratt*, 1887 Dec. Comm’r Pat. 31, 32-33 (1887))

³ See *Changes to Patent Practice and Procedure*, 62 *Fed. Reg.* at 53160 and 53178, 1203 *Off. Gaz. Pat. Office* at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 C.F.R. §1.137(b) to the Patent and Trademark Office).

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

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.⁴

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to revive an application if the delay is shown to the satisfaction of the Commissioner to have been “unavoidable.” 35 U.S.C. §133 (1994).⁵ The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

Unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and, by definition, are not intentional.⁶)

As to Allegations of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

It appears that the requirements under the rule have been satisfied.

CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.137(b) is **granted**.

⁴ See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner’s duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

⁵ 35 U.S.C. §133 provides:

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

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

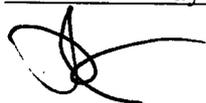
⁶ Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one’s attention and the mail is not timely deposited for shipment.

Application No. 12/284,577

The instant application is released to the Publications Branch to be processed into a patent in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the Publications Branch in response to this decision. It is noted that all inquiries with regard to status need be directed to the Publications Branch where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2⁷) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



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

⁷ The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

DONN K. HARMS
PATENT & TRADEMARK LAW CENTER
SUITE 100
12702 VIA CORTINA
DEL MAR CA 92014

MAILED

FEB 27 2012

OFFICE OF PETITIONS

In re Application of :
Mazzei et al. :
Application No. 12/284,604 : DECISION ON PETITION
Filed: September 22, 2008 : PURSUANT TO
Attorney Docket No. 3794-CIP : 37 C.F.R. § 1.137(B)
Title: TABLE ENGAGEABLE :
SUPPORT FOR HEAD CUSHION :
SUPPORTING ANESTHETIZED :
PATIENT :

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed January 10, 2012, to revive the above-identified application.

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

The above-identified application became abandoned for failure to reply in a timely manner to a non-final Office action, mailed June 10, 2009, 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 September 11, 2009. A notice of abandonment was mailed on December 29, 2009.

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

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in 37 C.F.R. § 1.17(m);

- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

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

The record (including the petition filed on January 10, 2012) does not necessitate a finding that the delay between midnight September 10, 2009 (the date of abandonment), and January 10, 2012 (the date of the filing of grantable petition), was not unintentional.

Rather, the Patent and Trademark Office is relying in this matter on the duty of candor and good faith of Petitioners (William J. Mazzei, Gregory P. Jordan, and An B. Vu) and their Counsel (Donn J. Harms, Reg. No. 38,911) when accepting Petitioners' representation that the delay in filing the response was unintentional.

The Technology Center will be notified of this decision, and jurisdiction over this application is transferred to the Technology Center, so that the application may receive further processing. The Technology Center's support staff will notify the Examiner of this decision, so that the amendment and remarks that were received on January 10, 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.**

Decision on Petition pursuant to 37 C.F.R. § 1.137(b)

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.¹ All other inquiries concerning this application should be directed to the Technology Center.



Paul Shanowski
Senior Attorney
Office of Petitions

¹ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).



UNITED STATES PATENT AND TRADEMARK OFFICE

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

SQUIRE, SANDERS & DEMPSEY (US) LLP
275 BATTERY STREET, SUITE 2600
SAN FRANCISCO, CA 94111-3356

MAILED

FEB 28 2011

OFFICE OF PETITIONS

In re Application of :
Winter et al. : DECISION ON PETITION
Application No. 12/284,689 : TO WITHDRAW
Filed: September 23, 2008 : FROM RECORD
Attorney Docket No. 102065.00005 :

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 24, 2011.

The request is **NOT APPROVED**.

The Office will 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 cannot be approved at this time as it does not set forth certifications: (1) and (3) above. 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.

All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

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

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

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

Benjamin Aaron Adler
ADLER & ASSOCIATES
8011 Candle Lane
Houston, TX 77071

MAILED
DEC 06 2011
OFFICE OF PETITIONS

In re Application of Nakagawa et al. :
Application No. 12/284,704 : Decision on Petition
Filing Date: September 24, 2008 :
Attorney Docket No. D6794 :

This is a decision on the petition under 37 CFR 1.181 filed September 28, 2011, requesting the Office withdraw the holding of abandonment.

The petition is **granted**.

The Office mailed a requirement for restriction/election on January 27, 2011. The requirement set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). Applicants filed a response to the requirement on Monday, February 28, 2011. Unfortunately, the response incorrectly identified the application number as "11/919,527" and the response was not matched with the file for the instant application. As a result of the response not being matched with the file, the Office mailed a Notice of Abandonment on September 21, 2011.

Discussion

At the discretion of the Office, a paper listing an incorrect application number may be considered timely and proper. The Office will accept papers as timely filed if the following criteria are met:

- (1) The papers contained sufficient information for the Office to recognize they included an incorrect application number.
- (2) The papers contained sufficient information for the Office to determine the correct application number.

The criteria set forth above have been satisfied. Therefore, the petition is granted and the holding of abandonment is withdrawn.

Technology Center Art Unit 1644 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.

A handwritten signature in black ink, appearing to read "C. Brantley", written in a cursive style.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

MAILED

MAR 28 2012

OFFICE OF PETITIONS

In re Application of	:	
Macom et al.	:	
Application No. 12/284,708	:	DECISION ON PETITION
Filed: 09/23/2008	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket Number:	:	
2400.4510002/JMC/AKN	:	

This is a decision on the petition under 37 C.F.R. § 1.78(a)(3), filed on February 27, 2012, which is treated as a petition to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 365(c) for the benefit of priority to the prior-filed international application set forth in the concurrently-filed amendment.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

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

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 and 365(c) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §§ 120 and 365(c) and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application

should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

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

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3231. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 1616 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. §§ 120 and 365(c) to the prior-filed application.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Table with 7 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY.DOCKET.NO, TOT CLAIMS, IND CLAIMS. Row 1: 12/284,708, 09/23/2008, 1616, 2530, 2400.4510002/JMC/AKN, 26, 1

CONFIRMATION NO. 3110

CORRECTED FILING RECEIPT

26111
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005



Date Mailed: 03/28/2012

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)

- Thomas E. Macom, Holly Springs, NC;
Reiner Fischer, Monheim, GERMANY;
Gerhard Baron, Leverkusen, GERMANY;
Erich Sanwald, Kiel, GERMANY;
Reed Nathan Royalty, Cary, NC;
Xavier Alain Marie Van Waetermeulen, Residence Not Provided;
Udo Reckmann, Koln, GERMANY;
Alexandra Gladbach, Leverkusen, GERMANY;
Stephen Krueger, Raleigh, NC;
Peter Marczok, Koln, GERMANY;

Power of Attorney: The patent practitioners associated with Customer Number 26111

Domestic Priority data as claimed by applicant

This application is a CON of PCT/US07/07195 03/23/2007

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

GERMANY 102006014653.0 03/08/2006

If Required, Foreign Filing License Granted: 10/16/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 12/284,708

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
Title

Use of tetramic acid derivatives for controlling pests by drenching, drip application, or dip application

Preliminary Class

514

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

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

SelectUSA

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

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: EE005	Application Number (if known): 12/284,767	Filing date: 09-25-2008
-------------------------------	---	-------------------------

First Named Inventor: MARTIN FORNAGE

Title: METHOD AND APPARATUS FOR POWER CONVERSION WITH MAXIMUM POWER POINT TRACKING AND BURST MODE CAPABILITY

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

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

- By filing this petition:

Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.
- By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.
- This request is accompanied by statements of special status for the eligibility requirement.
- The application contains no more than three (3) independent claims and twenty (20) total claims.
- The application does not contain any multiple dependent claims.
- Other attachments: STATEMENTS OF SPECIAL STATUS/PRELIMINARY AMENDMENT

Signature /RAYMOND R. MOSER, JR./	Date NOVEMBER 19, 2010
-----------------------------------	------------------------

Name (Print/Typed) RAYMOND R. MOSER, JR.	Registration Number 34,682
--	----------------------------

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

*Total of 1 forms are submitted.

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

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

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

**Instruction Sheet for
Petition to Make Special Under the Green Technology Pilot Program**
(Not to be Submitted to the USPTO)

The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at http://www.uspto.gov/patents/init_events/green_tech.jsp):

- 1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.
- 2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- 3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- 4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- 5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- 6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

Privacy Act Statement

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

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

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

Statement of Basis for Special Status

Applicants submit that the instant application materially contributes to the development of renewable energy resources. In particular, the instant application materially contributes to the transmission, distribution, or other services directly used in providing electrical energy from renewable energy sources by materially contributing to improved operating efficiency of systems providing electrical energy from renewable energy resources.

Statement of Materiality Standard

Applicant's invention is directed to improving the efficiency of operating distributed generators (DGs) which generate energy from renewable energy sources, such as solar power systems, windfarms, hydroelectric energy systems, and the like. Specifically, during periods of low power output from a renewable energy source, a DG power converter (e.g., a DC-AC inverter) may store received energy for a period of time and subsequently "burst" the stored energy to an output. Such operation improves the efficiency of the power converter and facilitates a rapid convergence to a maximum power point (MPP) by utilizing a maximum power point tracking (MPPT) technique based on change in output power with respect to change in operating voltage of the renewable energy source. Such MPP operation optimizes power drawn from the renewable energy source and further improves the operating efficiency of the DG.

Statement Pertaining to Restriction Requirement

In the event that the USPTO determines that the claims are directed to multiple inventions, Applicant agrees 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 Federal Register Notice, Vol. 74, No. 234, published Tuesday, December 8, 2009.

Publication Fee

The publication fee set forth in 37 CFR 1.18(d) accompanies this request.

CONCLUSION

Applicants respectfully request that the Office accept this Petition for Participation in the Green Technology Pilot Program

Respectfully submitted,

Moser IP Law Group

Date: November 19, 2010

By: /Raymond R. Moser, Jr./
Raymond R. Moser, Jr.
Registration No. 34,682

MOSER IP LAW GROUP
1030 Broad Street, Suite 203
Shrewsbury, NJ 07702
(732) 935-7100



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.
12/284,767	09/25/2008	Martin Fornage	EE005	3462
54698	7590	11/29/2010	EXAMINER	
RAYMOND R. MOSER JR., ESQ. MOSER IP LAW GROUP 1030 BROAD STREET SUITE 203 SHREWSBURY, NJ 07702			RAMADAN, RAMY O	
			ART UNIT	PAPER NUMBER
			2858	
			MAIL DATE	DELIVERY MODE
			11/29/2010	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.



RAYMOND R. MOSER JR., ESQ.
MOSER IP LAW GROUP
1030 BROAD STREET
SUITE 203
SHREWSBURY NJ 07702

In re Application of	:	
FORNAGE et al.	:	DECISION ON PETITION
Application No. 12/284,767	:	TO MAKE SPECIAL UNDER
Filed: September 25, 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. EE005	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on November 19, 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) 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.

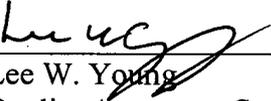
In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special 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 Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2858 for action in its regular turn.



Lee W. Young
Quality Assurance Specialist
Technology Center 2800



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DOW Nov-10

JAIMES SHER
CHEMTURA CORPORATION
199 BENSON ROAD
MIDDLEBURY CT 06749

MAILED

NOV 30 2010

OFFICE OF PETITIONS

In re Application of :
Zahalka et al. :
Application Number: 12/284806 : LETTER DISMISSING PETITION
Filing Date: 09/24/2008 :
Attorney Docket Number: :
2008P009.US (UNI254US) :

This is a communication in response to the paper styled as a petition, filed on September 2, 2010, under 37 CFR 1.137(b) to revive the above-identified application.

The petition is dismissed for the reasons stated below.

The application became abandoned on May 23, 2010, for failure to timely submit a response to the non-final Office action mailed on February 22, 2010, which set a three (3) month shortened statutory period for reply. The filing of the subject paper precedes the mailing of Notice of Abandonment.

The petition is unsigned. Specifically, no signature has been provided in the signature block on the petition form. 37 CFR 1.4 requires that all papers filed in the USPTO must be signed by either a registered patent attorney or all of the inventors in an application.

A properly-signed petition must be submitted in response to this letter.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply.¹ The three (3)-month extension request filed on September 2, 2010, was submitted more than three (3) months after the end of the period for reply to the non-final Office action mailed on February 22,

¹ See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988).

2010, and therefore is unnecessary. The extension of time fee paid on September 2, 2010, will be refunded to counsel.

A reply should be submitted within two (2) months of the mailing date of this decision. **This time period is not extendable.** 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
 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



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DW Feb-11

JAIMES SHER
CHEMTURA CORPORATION
199 BENSON ROAD
MIDDLEBURY CT 06749

MAILED
FEB 24 2011
OFFICE OF PETITIONS

In re Application of :
Zahalka et al. :
Application Number: 12/284,806 : ON PETITION
Filing Date: 09/24/2008 :
Attorney Docket Number: :
2008P009.US (UNI254US) :

This is a decision in response to the petition under 37 CFR 1.137(b) filed on December 10, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on May 23, 2010, for failure to timely respond to the non-final Office action mailed on February 22, 2010, which set a three (3)-month shortened statutory period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. The filing of the subject petition precedes the mailing of Notice of Abandonment. The paper filed on September 2, 2010, was dismissed as an unsigned paper.

Receipt of the amendment filed on September 2, 2010 in response to the non-final Office action is acknowledged.

The application is being referred to Technology Center Art Unit 1761 for further processing.

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

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Statement of Basis for Special Status

Applicants submit that the instant application materially contributes to the development of renewable energy resources. In particular, the instant application materially contributes to the transmission, distribution, or other services directly used in providing electrical energy from renewable energy sources by materially contributing to improved operating efficiency of systems providing electrical energy from renewable energy resources.

Statement of Materiality Standard

Applicant's invention is directed to improving the efficiency of operating distributed generators (DGs) which generate energy from renewable energy sources, such as solar power systems, windfarms, hydroelectric energy systems, and the like. Specifically, Applicants' invention is directed to operating a DG power conversion device utilizing a maximum power point (MPP) technique such that a renewable energy source coupled to the power conversion device is biased at an operating voltage corresponding to the MPP. Such operation optimizes power drawn from the renewable energy source, thereby improving the operating efficiency of the DG.

Statement Pertaining to Restriction Requirement

In the event that the USPTO determines that the claims are directed to multiple inventions, Applicant agrees 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 Federal Register Notice, Vol. 74, No. 234, published Tuesday, December 8, 2009.

Publication Fee

The publication fee set forth in 37 CFR 1.18(d) accompanies this request.

CONCLUSION

Applicants respectfully request that the Office accept this Petition for Participation in the Green Technology Pilot Program

Respectfully submitted,

Moser IP Law Group

Date: November 19, 2010

By: /Raymond R. Moser, Jr./
Raymond R. Moser, Jr.
Registration No. 34,682

MOSER IP LAW GROUP
1030 Broad Street, Suite 203
Shrewsbury, NJ 07702
(732) 935-7100

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: EE011	Application Number (if known): 12/284,830	Filing date: 09-25-2008
-------------------------------	---	-------------------------

First Named Inventor: MARTIN FORNAGE

Title: METHOD AND APPARATUS FOR MAXIMUM POWER POINT TRACKING IN POWER CONVERSION BASED ON DUAL FEEDBACK LOOPS 

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

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

- By filing this petition:

Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.
- By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.
- This request is accompanied by statements of special status for the eligibility requirement.
- The application contains no more than three (3) independent claims and twenty (20) total claims.
- The application does not contain any multiple dependent claims.
- Other attachments: Statements of Special Status for Participation in Green Technology Pilot Program

Signature /RAYMOND R. MOSER, JR./	Date NOVEMBER 19, 2010
-----------------------------------	------------------------

Name (Print/Typed) RAYMOND R. MOSER, JR.	Registration Number 34,682
--	----------------------------

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

*Total of 1 forms are submitted.

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

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**Instruction Sheet for
Petition to Make Special Under the Green Technology Pilot Program**
(Not to be Submitted to the USPTO)

The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at http://www.uspto.gov/patents/init_events/green_tech.jsp):

- 1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.
- 2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- 3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- 4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- 5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- 6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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.
12/284,830	09/25/2008	Martin Fornage	EE011	3629
54698	7590	11/30/2010	EXAMINER	
RAYMOND R. MOSER JR., ESQ.			BERHANE, ADOLF D	
MOSER IP LAW GROUP			ART UNIT	PAPER NUMBER
1030 BROAD STREET			2838	
SUITE 203			MAIL DATE	DELIVERY MODE
SHREWSBURY, NJ 07702			11/30/2010	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.



RAYMOND R. MOSER JR., ESQ.
MOSER IP LAW GROUP
1030 BROAD STREET
SUITE 203
SHREWSBURY NJ 07702

In re Application of	:	
Martin FORNAGE	:	DECISION ON PETITION
Application No. 12/284,830	:	TO MAKE SPECIAL UNDER
Filed: September 25, 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. EE011	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on November 19, 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) 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 inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2838 for action in its regular turn.



Lee W. Young
Quality Assurance Specialist
Technology Center 2800



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

May 29, 2011

ROPES & GRAY LLP
IPRM - Floor 43
PRUDENTIAL TOWER
800 BOYLSTON STREET
BOSTON MA 02199-3600

In re Application of :
John Knopf et al. : **DECISION ON PETITION**
Application No.12284862 :
Filed: 09/24/2008 : **ACCEPTANCE OF COLOR**
Attorney Docket No. **PHPH-P03-019** : **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 24, 2008.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Laura Feldman/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
Values: 12/284,864, 09/24/2008, John Knopf, PPH-P02-019, 1875

7590 04/27/2011
ROPES & GRAY LLP
IPRM - Floor 43
PRUDENTIAL TOWER
800 BOYLSTON STREET
BOSTON, MA 02199-3600

EXAMINER

CHANDRA, GYAN

ART UNIT PAPER NUMBER

1646

NOTIFICATION DATE DELIVERY MODE

04/27/2011

ELECTRONIC

ACKNOWLEDGEMENT OF REQUEST
Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

April 27, 2011

ROPES & GRAY LLP
IPRM - Floor 43
PRUDENTIAL TOWER
800 BOYLSTON STREET
BOSTON MA 02199-3600

In re Application of :
John Knopf et al. : **DECISION ON PETITION**
Application No. 12284864 :
Filed: 9/24/2008 : **ACCEPTANCE OF COLOR**
Attorney Docket No. PPH-P02-019 : **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 24, 2008.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/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
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.
12/284,867	09/25/2008	Kazuyoshi Isaji	4041J-001510	3656
27572	7590	09/21/2011	EXAMINER	
HARNESS, DICKEY & PIERCE, P.L.C.			LOUIE, WAE LENNY	
P.O. BOX 828			ART UNIT	PAPER NUMBER
BLOOMFIELD HILLS, MI 48303			3661	
			MAIL DATE	DELIVERY MODE
			09/21/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS MI 48303

In re application of
Isaji et al.
Application No. 12/284,867
Filed: September 25, 2008
For: SPEED CONTROL SYSTEM
FOR VEHICLES

: **DECISION ON REQUEST TO**
: **PARTICIPATE IN PATENT**
: **PROSECUTION HIGHWAY**
: **PROGRAM AND PETITION**
: **TO MAKE SPECIAL UNDER**
: **37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed August 30, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of 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.

In light of the preliminary amendment filed on August 30, 2011. 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

MB/MB: 09/21/11



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**REED SMITH, LLP
ATTN: PATENT RECORDS DEPARTMENT
599 LEXINGTON AVENUE, 29TH FLOOR
NEW YORK NY 10022-7650**

MAILED

JUN 01 2011

OFFICE OF PETITIONS

In re Application of :
Yasuhiro Sekiguchi, et al. :
Application No. 12/284,971 :
Filed: September 26, 2008 :
Attorney Docket No. 501152.20128 :

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed April 12, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks a forwarding correspondence address of the first named inventor or a properly intervening assignee.

If the forwarding correspondence address is to the assignee, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *that properly became of record under 37 CFR 3.71*. 37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **BROTHER KOGYO KABUSHIKI KAISHA
15-1 NAESHIRO-CHO, MIZUHO-KU
NAGOYA-SHI
AICHI-KEN 467-8561
JAPAN**



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.
Values: 12/285,076, 09/29/2008, Hiroaki Takahashi, 02886.0120, 4504

7590 08/18/2010
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER

DOVE, TRACY MAE

ART UNIT PAPER NUMBER

1795

MAIL DATE DELIVERY MODE

08/18/2010

PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)
The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted:

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Mimi Sarmes (handwritten signature)

Patent Publication Branch
Office of Data Management

Application No: 12/285,076
Filing Date: 09/29/2008
Inventor: Hiroaki Takahashi
Attorney: FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP

2010/08/18 11:11 AM
MAIL ROOM
FC:1111
-510.00



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.
12/285,079	09/29/2008	Junichi Katada	2870-0432PUS1	3376

7590 01/13/2011
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

NGUYEN, BAO THUY L

ART UNIT	PAPER NUMBER
----------	--------------

1641

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

01/13/2011

ELECTRONIC

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

January 11, 2011

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of : **DECISION ON PETITION**
KATADA, JUNICHI, ET AL. :
Application No. 12/285079 : **ACCEPTANCE OF COLOR**
Filed: 09/29/2008 : **DRAWINGS**
Attorney Docket No: 2870-0432PUS1 :

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 29, 2008.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/285,079	09/29/2008	Junichi Katada	2870-0432PUS1	3376

7590 01/13/2011
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

NGUYEN, BAO THUY L

ART UNIT	PAPER NUMBER
----------	--------------

1641

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

01/13/2011

ELECTRONIC

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

January 11, 2011

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of : **DECISION ON PETITION**
KATADA, JUNICHI, ET AL. :
Application No. 12/285079 : **ACCEPTANCE OF COLOR**
Filed: 09/29/2008 : **DRAWINGS**
Attorney Docket No: 2870-0432PUS1 :

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 29, 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



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.
12/285,094	09/29/2008	Kyungho Park	P58895	4511

8439 7590 11/25/2011
ROBERT E. BUSHNELL & LAW FIRM
2029 K STREET NW
SUITE 600
WASHINGTON, DC 20006-1004

EXAMINER REA, JENNIFER M

ART UNIT	PAPER NUMBER
1727	

NOTIFICATION DATE	DELIVERY MODE
11/25/2011	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):

rebushnell@aol.com
mail@rebushnell.com
info@rebushnell.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

11/23/2011

BC

Mailed:

In re application of	:	
Kyungho Park et al.	:	DECISION ON
Serial No. 12/285,094	:	PETITION
Filed: September 29, 2008	:	
For: RECHARGEABLE BATTERY	:	

This is a decision on the PETITION UNDER 37 CFR 1.181 TO WITHDRAW THE FINALITY OF THE OFFICE ACTION mailed August 19, 2011.

On April 28, 2011, a non-final office action was mailed to applicant which included the following prior art rejections: (A) claim 10 was rejected under 35 USC 103 as being obvious over Yoon (US '542) in view of Woosley (US '642) and (B) claim 13 was rejected under 35 USC 102(b) as being anticipated over Yoon (US '542). A reply to the office action was filed by applicants on June 23, 2011. In the reply, applicants made several amendments to the claims including amending dependent claims 10 and 13 into independent form. A final office action was mailed by the office on August 19, 2011 containing new grounds of rejection for claims 10 and 13.

On October 13, 2011, the instant petition under 37 CFR 1.181 was timely filed to formally request the withdrawal of finality of the August 19, 2011 office action.

Petitioner's position for the withdrawal of the finality is that the new grounds of rejection in the final office action were not necessitated by applicant's amendments to the claims.

DECISION

Section 706.07 of the MPEP states:

706.07(a) Final Rejection, When Proper on Second Action

Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p).

Petitioner argues that the amendment of June 23, 2011 only placed claims 10 and 13 in independent form. Thus, the new grounds of rejection made over these claims were not necessitated by applicant's amendments. This argument is persuasive.

Accordingly, the petition for withdrawal of finality is **GRANTED**.

Applicant's amendment and response filed on October 13, 2011 will be entered and an action on the merits will follow in due course. It is additionally noted that claim 11 was not included in any of the rejections set forth in the office action mailed on October 13, 2011. Accordingly, if claim 11 is rejected in the next office action, the next office action must be made non-final.

/W. GARY JONES/
Director, Technology Center 1700
W. Gary Jones
Director, Technology Center 1700
Chemical and Materials Engineering

ROBERT E. BUSHNELL & LAW FIRM
2029 K STREET NW
SUITE 600
WASHINGTON DC 20006-1004



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

January 5, 2012

FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK NY 10104-3800

In re Application of :
Siu-Kei Tin : **DECISION ON PETITION**
Application No. 12285438 :
Filed: 10/6/2008 : **ACCEPTANCE OF COLOR**
Attorney Docket No. 03650.005385. : **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 6, 2008.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Don Fairchild/
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/285,449 10/06/2008 Youn-seon Kang 2557-001016/US 6916

7590 08/11/2011
HARNES, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON, VA 20195

EXAMINER

VALENTINE, JAMI M

ART UNIT PAPER NUMBER

2894

MAIL DATE DELIVERY MODE

08/11/2011

PAPER

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

August 10, 2011

HARNES, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON VA 20195

In re Application of :
KANG, YOUN-SEON et, al : **DECISION ON PETITION**
Application No. 12/285,449 :
Filed: 10/06/2008 : **ACCEPTANCE OF COLOR**
Attorney Docket No. 2557-001016/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) March 2, 2009.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Diane Terry/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : May 25,2011

In re Application of :

Wonchull Han

Application No : 12285558

Filed : 08-Oct-2008

Attorney Docket No : P58669

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed May 25,2011 , to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the 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	12285558
Filing Date	08-Oct-2008
First Named Inventor	Wonchull Han
Art Unit	1725
Examiner Name	KENNETH DOUYETTE
Attorney Docket Number	P58669
Title	ELECTRODE ASSEMBLY AND SECONDARY BATTERY HAVING THE SAME

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications;
- (4) Statement that the entire delay was unintentional.

Petition fee

The petition fee under 37CFR 1.17(m) is attached.

- Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).
- Applicant(s) status remains as SMALL ENTITY.
- Applicant(s) status remains as other than SMALL ENTITY.

Issue Fee and Publication Fee :

Issue Fee and Publication Fee are not due.

- Issue Fee Transmittal is attached

Drawing corrections and/ or other deficiencies.

- Drawing corrections and/ or other deficiencies are not required
- I certify, in accordance with 37 CFR 1.4.(D)(4), that drawing corrections and/ or other deficiencies have previously been filed on
- Drawing corrections and/ or other deficiencies are attached.

STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- A sole inventor
- A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors.
- A joint inventor; all of whom are signing this e-petition.
- The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71.

Signature	/Robert E Bushnell/
Name	Robert E. Bushnell
Registration Number	27774



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ROBERT E. BUSHNELL & LAW FIRM
2029 K STREET NW
SUITE 600
WASHINGTON DC 20006-1004

In re Application of :
Wonchull Han :
Application No. 12/285,558 : **DECISION ON REQUEST FOR REFUND**
Filed: October 8, 2008 :
Attorney Docket No. P58669 :

This is a decision on the Request For Refund filed May 26, 2011.

The request is **GRANTED**.

Applicant request a refund of the petition fee charged on May 25, 2011, in the above-identified application. A petition to revive under the provisions of 37 CFR 1.137(b) was filed on May 3, 2011, in which the petition fee of \$1,620.00 was charged to petitioner's deposit account as authorized. However, a second petition under the provisions of 37 CFR 1.137(b) was filed via on-line and automatically granted by Electronic Filing System (EFS) on May 25, 2011.

Since the petition filed by EFS on May 25, 2011 (petition fee charged also) was automatically granted, the petition fee (\$1,620.00) charged on May 3, 2011, will be credited to petitioner's deposit account as authorized.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ROBERT E. BUSHNELL & LAW FIRM
2029 K STREET NW
SUITE 600
WASHINGTON, DC 20006-1004

MAILED

JUN 14 2011

OFFICE OF PETITIONS

In re Application of
Wonchull Han
Application No. 12/285,558
Filed: October 8, 2008
Attorney Docket No.: P58669

:
:
:
:
:
:

ON PETITION

This is a decision in response to the petition, filed May 3, 2011, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **DISMISSED AS MOOT**.

A review of the record indicates that an automatic grant issued on May 25, 2011, in response to the electronic petition request under 37 CFR 1.137(b). Since the fees overpaid have been refunded by a decision mailed June 6, 2011, no further action by the Office of Petition is necessary.

The application is being referred to the Office of Data Management to be processed into a patent.

Telephone inquires related to this decision may be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing as a patent should be directed to (571) 272-4200

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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.
12/285,579	10/09/2008	Junya Inada	01-1780	8676
23400	7590	08/17/2011	EXAMINER	
POSZ LAW GROUP, PLC 12040 SOUTH LAKES DRIVE SUITE 101 RESTON, VA 20191			AHMED, SAMIR ANWAR	
			ART UNIT	PAPER NUMBER
			2624	
			NOTIFICATION DATE	DELIVERY MODE
			08/17/2011	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):

mailbox@poszlaw.com
lwebbers@poszlaw.com
dposz@poszlaw.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

**POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON VA 20191**

In re Application of INADA et al.	: DECISION ON REQUEST TO
Application No.: 12/285,579	: PARTICIPATE IN THE PATENT
Filed: 09 October 2010	: PROSECUTION HIGHWAY
Attorney Docket No.: 01-1780	: PROGRAM AND PETITION
For: BODY POSITION DETECTING APPARATUS	: TO MAKE SPECIAL UNDER : 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 10 August 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is
 - a. a Paris Convention application which either
 - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
 - ii. validly claims priority to a PCT application that contains no priority claims, or
 - b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
 - i. validly claims priority to an application filed in the JPO, or
 - ii. validly claims priority to a PCT application that contains no priority claims, or
 - iii. contains no priority claim, or
 - c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
 - i. validly claims priority to an application filed in the JPO, or
 - ii. validly claims priority to a PCT application that contains no priority claims, or

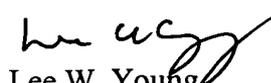
- iii. contains no priority claim;
2. Applicant must submit a copy of:
 - a. The allowable/patentable claim(s) from the JPO application(s);
 - b. An English translation of the allowable/patentable claim(s) and
 - c. A statement that the English translation is accurate;
3. Applicant must:
 - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
 - b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
 - a. Documentation of prior office action:
 - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
 - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
 - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
 - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
 - c. A statement that the English translation is accurate;
6. Applicant must submit:
 - a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
 - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.


Lee W. Young
TQAS, Technology Center 2600



UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/285,580	10/09/2008	Fumiya Nagai	01-1771	8667
23400	7590	08/17/2011	EXAMINER	
POSZ LAW GROUP, PLC 12040 SOUTH LAKES DRIVE SUITE 101 RESTON, VA 20191			AHMED, SAMIR ANWAR	
			ART UNIT	PAPER NUMBER
			2624	
			NOTIFICATION DATE	DELIVERY MODE
			08/17/2011	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):

mailbox@poszlaw.com
lwebbers@poszlaw.com
dposz@poszlaw.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

**POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON VA 20191**

In re Application of

NAGAI et al.

Application No.: 12/285,580

Filed: 09 October 2008

Attorney Docket No.: 01-1771

For: SLEEPINESS LEVEL

**DETERMINATION DEVICE FOR
DRIVER**

**: 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 11 August 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is
 - a. a Paris Convention application which either
 - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
 - ii. validly claims priority to a PCT application that contains no priority claims, or
 - b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
 - i. validly claims priority to an application filed in the JPO, or
 - ii. validly claims priority to a PCT application that contains no priority claims, or
 - iii. contains no priority claim, or
 - c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
 - i. validly claims priority to an application filed in the JPO, or

- ii. validly claims priority to a PCT application that contains no priority claims, or
 - iii. contains no priority claim;
2. Applicant must submit a copy of:
 - a. The allowable/patentable claim(s) from the JPO application(s);
 - b. An English translation of the allowable/patentable claim(s) and
 - c. A statement that the English translation is accurate;
3. Applicant must:
 - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
 - b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
 - a. Documentation of prior office action:
 - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
 - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
 - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
 - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
 - c. A statement that the English translation is accurate;
6. Applicant must submit:
 - a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
 - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.



Lee W. Young
TQAS, Technology Center 2600



UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/285,586	10/09/2008	Lori Lee Periman	10118.0001USU1	8661
7590 Fastball Industries, LLC 4502 Poteeu Cir Austin, TX 78734		02/21/2012	EXAMINER SHEIKH, KATHRYN D	
			ART UNIT	PAPER NUMBER
			3764	
			MAIL DATE	DELIVERY MODE
			02/21/2012	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Fastball Industries, LLC
4502 Poteeu Cir
Austin TX 78734

In re Application of:
PERIMAN, LORI LEE
Serial No. 12/285,586
Filed: Oct. 9, 2008
Docket: 10118.0001USU1
Title:

POTTY TRAINING LINERS

DECISION ON PETITION
UNDER 37 CFR § 1.181

This is a decision on the petition filed on January 24, 2012 by which petitioner requests entry of Rule 116 Amendment of November 17, 2011 and withdrawal of the restriction requirement mailed March 11, 2011 as stated on Paragraph II of the petition. This petition is being considered pursuant to 37 CFR 1.144 and 37 CFR 1.181, and no fee is required.

The petition to enter the Rule 116 Amendment of November 17, 2011 is **DISMISSED**.

The petition to withdraw the restriction requirement of March 11, 2011 is **DISMISSED as untimely**.

Relevant Facts

The record shows on March 11, 2011, the examiner issued a restriction requirement between three groups of inventions based on products and process and related process relationships. Group I consists of claims 1, 2, 4, 5, 7 and 10-18 drawn to an absorbent article, classified in class 604, subclass 361. Group II consist of claim 20 drawn to a method of containing body fluid within an absorbent pad containing superabsorbent, wherein compression by the thighs of a user creates flow channels, classified in class 604, subclass 367. Group III consists of claims 22-24, drawn to a method of containing body fluid within an absorbent pad, classified in class 604, subclass 378. On April 18, 2011, the applicant elected Group I (claims 1, 2, 4, 5, 7 and 10-18) with traverse. On May 6, 2011, the examiner issued a non-final Office action and repeated the restriction requirement. In the non-final Office action, the examiner also objected to the drawing

under 37 CFR 1.83(a)¹. In response, on August 8, 2011, the applicant filed a Rule 111 Amendment, *inter alia*, cancelling all the non-elected claims 20 and 22-24 in favor of divisional application(s). Subsequently, the examiner issued a final rejection on September 14, 2011. On November 17, 2011, the applicant filed a Rule 116 Amendment. On November 28, 2011, a Notice of Appeal and a second Rule 116 Amendment were filed by the applicant. On December 21, 2011, the examiner promulgated an Advisory Action entering the claim amendment of November 17, 2011 for appeal purposes but refused entry of the amendment to the specification due to new issues of new matter. On January 24, 2012 the current petition was filed. In response to the second Rule 116 Amendment filed on November 28, 2011, the examiner issued an Advisory Action on February 7, 2012 informing the applicant that the second Rule 116 Amendment of November 28, 2011 will not be entered because the amendment raised new issues, issues of new matter and added additional claims 39-50 without cancelling a corresponding number of finally rejected claims

Discussion and Analysis

With regard to the request to enter the Rule 116 Amendment to the specification of November 17, 2011, a careful perusal of the originally filed specification does not show any support relating to the added or amended features to the specification. For example, with regard to Figure 5, on pages 7-8 of the petition, petitioner argues that whether the top sheet touches the bottom or is suspended has no relevance and no functional effect and that Figure 5 is just another example of a preferred embodiment. This line of arguments is not persuasive. It is possible that simultaneous sagging of both the top and bottom layers would maintain any initial space between said two layers. Therefore the touching of said layers when sagging is not inherent. There is also no indication in the new Figure 5 that lateral compression is occurring, as only the top layer is shown sagging. Therefore, new Figure 5 does introduce a previously undisclosed species/configuration. The examiner's holding of new matter as shown in new Figure 5 is correct. On pages 4-7 of the petition, petitioner argues that the exact attachment location of the bottom to the sidewall was inconsequential and the original specification does not restrict attachment of the bottom sheet to any specific place on the bottom of the sidewall and such a separation would occur naturally when worn. This line of arguments is also not persuasive because the objection to new Figure 7 is not to the depiction of lateral compression, but to the depiction of the side walls becoming unattached from the bottom of the liner and projecting inward, and there is no indication that the originally filed specification describes such a detachment. From the original specification, it only appears that the wall would accompany the bottom layer when sagging, not detach therefrom. The examiner has correctly held that new Figure 7 contains new matter not supported by the originally filed specification.

¹§ 1.83 Content of drawing. (a) The drawing in a nonprovisional application must show every feature of the invention specified in the claims. However, conventional features disclosed in the description and claims, where their detailed illustration is not essential for a proper understanding of the invention, should 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.

On pages 9-10 of the petition, petitioner repeatedly argues that the examiner has misinterpreted the terms used in the claims. The issues regarding the examiner's supposed misinterpretation of claim language and Cole patent with respect to the claimed invention presented by petitioner are clearly directed to the propriety of the examiner's rejection of claims under various sections of applicable 35 USC § 112, 102 and 103. The question of whether the examiner has properly considered and interpreted certain claim limitations in the rejection of claims under 35 USC § 112, 102 and 103 is clearly an appealable issue under 37 CFR § 41.31(a) (1). According to 37 CFR § 1.181(a)(1)², it is clear that petitioner's arguments will not support the requested relief, because the relief requested is simply not the type of relief that can be obtained by petition. The propriety of claim interpretation in a rejection of a claim is to be determined by the Board of Patent Appeals and Interferences in accordance with 37 CFR § 1.181(a) (1).

With regard to the requested relief of withdrawing restriction requirement of March 11, 2011, a review of the record shows that the instant petition was filed on January 24, 2012 after the notice of appeal of November 28, 2011 was filed. Pursuant to 37 CFR § 1.144³, the petition is not timely filed since the petition was filed after the filing of the appeal. As the petition was not timely filed, the relief requested will not be granted.

With regard to the second Rule 116 Amendment filed on November 28, 2011, a careful review of the Advisory Action mailed on February 7, 2012 does not show any error made by the examiner. The second Rule 116 Amendment does add additional claims 39-50 without cancelling the corresponding number of the finally rejected claims. These newly added claims 39-50 do raise new issues and issues of new matter that require further consideration and searches. Therefore, the second Rule 116 Amendment of November 28, 2011 does not comply with 37 CFR under 37 CFR 1.116(b)⁴. Therefore, the examiner's refusal to enter the Rule 116 Amendment filed on November 30, 2011 is proper. The Advisory Actions of December 21, 2011 and February 7, 2012 are appropriate.

Conclusion

Entry of a Rule 116 Amendment is not a matter of right. The review of the record shows that the examiner was in compliance with proper examining practice as set forth in MPEP 714.13 in

² 37 CFR § 1.181(a) (1) states: Petition may be taken to the Director: (1) From any action or requirement of any examiner in the ex parte prosecution of an application, or in the ex parte or inter partes prosecution of a reexamination proceeding which is not subject to appeal to the Board of Patent Appeals and Interferences or to the court.

³ 37 CFR § 1.144 Petition from requirement for restriction. After a final requirement for restriction, the applicant, in addition to making any reply due on the remainder of the action, may petition the Director to review the requirement. Petition may be deferred until after final action on or allowance of claims to the invention elected, but must be filed not later than appeal. A petition will not be considered if reconsideration of the requirement was not requested (see 37 CFR § 1.181).

⁴ 37 CFR § 1.116 (b) After a final rejection or other final action (§ 1.113) in an application or in an ex parte reexamination filed under § 1.510, or an action closing prosecution (§ 1.949) in an inter partes reexamination filed under § 1.913, but before or on the same date of filing an appeal (§ 41.31 or § 41.61 of this title): (1) An amendment may be made canceling claims or complying with any requirement of form expressly set forth in a previous Office action; (2) An amendment presenting rejected claims in better form for consideration on appeal may be admitted; or (3) An amendment touching the merits of the application or patent under reexamination may be admitted upon a showing of good and sufficient reasons why the amendment is necessary and was not earlier presented.

refusing entry of the first and second Rule 116 Amendments submitted November 17, 2011 and November 28, 2011. The examiner did not abuse her discretion or act in an arbitrary or capricious manner in denying entry of the proposed claims after final for the reasons stated. Therefore, there is no basis for granting the relief requested.

For the foregoing reasons, the relief requested by petitioners will not be granted. Specifically, the examiner's refusal in admitting the Rule 116 Amendments of November 17, 2011 and November 28, 2011 is proper. The requested withdrawal of restriction requirement of March 11, 2011 also will not be granted. The restriction requirement stands.

The application is being forwarded to the examiner via the Supervisory Patent Examiner of Art Unit 3764 for further preparation of an Examiner's Answer. 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. Any 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.

The petition is dismissed.


Donald T. Hajec, Director
Technology Center 3700



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Application of
William W. Cowans

:
:

Application No. 12285596

:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)

Filed: October 9, 2008

:

Attorney Docket No. TDSF-EPC

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 17-DEC-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.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ExxonMobil Research & Engineering Company
P.O. Box 900
1545 Route 22 East
Annandale NJ 08801-0900

MAILED

AUG 10 2011

In re Application of : OFFICE OF PETITIONS
Gary R. Kocis et al. :
Application No. 12/285,651 : DECISION ON PETITION
Filed: October 10, 2008 :
Attorney Docket No. 2007EM312-US2 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 26, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before May 23, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed February 22, 2011. Accordingly, the date of abandonment of this application is May 24, 2011. A Notice of Abandonment was mailed on June 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 payment of the issue fee of \$1,510 and the publication fee of \$300, (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay. Accordingly, the issue and publication fees are accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Office of Data Management for further processing into a patent.

/Kimberly A. Inabinet/

Kimberly A. Inabinet
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/285,695	10/10/2008	Shinji Matsune	1083.1096D	9089
21171	7590	03/24/2011	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			WON, MICHAEL YOUNG	
			ART UNIT	PAPER NUMBER
			2455	
			MAIL DATE	DELIVERY MODE
			03/24/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

In re Application of: MATSUNE et al.)
Application No. 12/285695)
Filed: September 24, 2001)
For: IDENTIFICATION INFORMATION)
CREATING METHOD, INFORMATION)
PROCESSING APPARATUS, COMPUTER)
PROGRAM PRODUCT, RECORDING)
DEVICE MONITORING METHOD,)
TERMINAL APPARATUS)
MANAGEMENT METHOD, AND)
COMMUNICATION NETWORK SYSTEM)

**DECISION ON PETITION TO
WITHDRAW RESTRICTION
REQUIREMENT UNDER 37 CFR
§1.144**

This is a decision on the petition filed April 22, 2010 under 37 C.F.R. §1.144 and 37 C.F.R. §1.181 to withdraw an outstanding restriction requirement.

The petition is **DISMISSED AS MOOT.**

RELEVANT PROSECUTION HISTORY

Nov 14, 2009	A Restriction Requirement mailed, restricting claims 1-15 into Group I (claims 1-4) and Group II (claims 5-15)
Jan 14, 2010	An Election of Group I with traverse filed, including arguments traversing the restriction.
Feb 22, 2010	A Non-Final action mailed, responding to argument traversing the restriction; restriction was maintained and made final.
April 22, 2010	A petition filed, requesting the withdrawal of the restriction requirement.
July 23, 2010	A Notice of Allowance mailed, allowing elected claims 1-4.
Sep 15, 2010	After Final amendment filed, cancelling non-elected claims 5-15.

ANALYSIS AND DECISION

Per MPEP 821.01, when the application is otherwise in condition for allowance, and has not received a final action, the examiner should notify applicant of his or her options using form paragraph 8.03.

Unfortunately, such notification did not happen. The petition was not brought to the attention of the appropriate authority in the Office to decide on the petition until after the non-elected claims 5-15 were canceled by the amendment of July 23, 2010 and issue fee has been paid.

Due to the cancellation of non-elected claims 5-15 by the applicant on July 23, 2010, the petition is **DISMISSED AS MOOT**.

The application will be passed to issue.

/Kim Huynh/

Kim Huynh
Quality Assurance Specialist
Technology Center 2400
Network, Multiplexing, Cable and Information Security



U.S. Serial No. 12/285,799
Docket No. PHCF-08074US
HIR.345

1

MS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of: Haijime Fujikura

Serial No.: 12/285,799

Group Art Unit: 2814

Filing Date: October 14, 2008

Examiner: John C. Ingham

For: NITRIDE SEMICONDUCTOR FREE-STANDING SUBSTRATE AND DEVICE USING
THE SAME

Honorable Commissioner for Patents
Alexandria, VA 22313-1450

**REQUEST FOR WITHDRAWAL AND REISSUANCE OF OFFICE ACTION UNDER
37 C.F.R. 1.183 AND 37 C.F.R. 2.146**

Sir:

The present Application has an inventor and his workplace in an area of Japan affected by the earthquake and tsunami of March 11, 2011, thereby making it impossible to prepare a response to the Office Action of November 17, 2010 based on the Examiner's comments in the personal interview conducted on March 8, 2011. This request is based on Director Kappos' Notice dated March 17, 2011.

Thus, Applicant hereby requests withdrawal and reissuance of the March 8, 2011 Office Action.

While no extension or fee are believed due, Applicant hereby conditionally petitions for any extension of time to respond to the Office Action dated November 17, 2010.

Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-0481.

Respectfully submitted,

Date: 03/23/11


Farhad Shir, Ph.D.
Registration No. 59,403

Sean M. McGinn, Esq.
Registration No. 34,386

McGinn Intellectual Property Law Group, PLLC
Intellectual Property Law
8321 Old Courthouse Road, Suite 200
Vienna, VA 22182-3817 (703) 761-4100
Customer No. 21254



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA VA 22182-3817

MAILED

APR 06 2011

OFFICE OF PETITIONS

In re Application of :
Haijime Fujikura :
Application No. 12/285,799 : **DECISION ON PETITION**
Filed: October 14, 2008 :
Attorney Docket No. PHCF-08074US :

This is a decision on the request filed March 23, 2011, seeking relief under the provisions of an announcement by the Under Secretary and Director of the United States Patent and Trademark Office on March 17, 2011, http://www.uspto.gov/patents/announce/japan_relief_2011mar17.pdf, providing relief to inventors and patent owners in areas affected by the earthquake and resulting tsunami of March 11, 2011.

The request for relief is **DISMISSED**.

As set forth in the announcement, the Office action or notice will be re-mailed and the period for response will be restarted if:

- (1) The patent application or reexamination proceeding is pending in the USPTO as of March 11, 2011, and a reply to an Office action (final, non-final, or other), a notice of allowance, or other Office notice is outstanding;
- (2) One or more inventors, an assignee or a correspondence address is in the area of Japan affected by the earthquake and resultant tsunami of March 11, 2011;
- (3) The period for response has not yet expired; and
- (4) Applicant requests relief. The request must be made by using the form PTO/SB/425 or be accompanied by a copy of the announcement.

The request must be made prior to expiration of the statutory or non-statutory time period set for response and within sufficient time so that withdrawal and reissuance of the Office

communication occur prior to expiration of the statutory or non-statutory time period (as permitted to be extended under 37 CFR 1.136(a), or as extended under 37 CFR 1.550(c) or 1.956). The use of the form PTO/SB/425 or the inclusion of a copy of the announcement will be treated as a representation that the need for the reissuance of the Office communication was due to the effects of the earthquake and resulting tsunami of March 11, 2011.

The instant petition is dismissed since it lacks item (1).

With respect to item (1), no reply from applicant was due at time the request was filed March 23, 2011. Further, there is no outstanding Office notice or action pending against this application. Therefore, there is no relief that can be given to applicant. Accordingly, the petition is dismissed.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITIONS
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By FAX: (571) 273-8300

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7751.

All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/285,852	10/15/2008	Jong-Heun Lim	242/140	1667
27849	7590	07/01/2011	EXAMINER	
LEE & MORSE, P.C. 3141 FAIRVIEW PARK DRIVE SUITE 500 FALLS CHURCH, VA 22042			MORGAN, EILEEN P	
			ART UNIT	PAPER NUMBER
			3723	
			MAIL DATE	DELIVERY MODE
			07/01/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

June 30, 2011

LEE & MORSE, P.C.
3141 FAIRVIEW PARK DRIVE
SUITE 500
FALLS CHURCH VA 22042

In re Application of :
Lim, Jong-Heun et, al : **DECISION ON PETITION**
Application No. 12/285,852 :
Filed: 10/15/2008 :
Attorney Docket No. 242/140 :

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 15, 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 file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition did not 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.
12/285,852 10/15/2008 Jong-Heun Lim 242/140 1667

7590 08/31/2011
LEE & MORSE, P.C.
3141 FAIRVIEW PARK DRIVE
SUITE 500
FALLS CHURCH, VA 22042

EXAMINER

MORGAN, EILEEN P

ART UNIT PAPER NUMBER

3723

MAIL DATE DELIVERY MODE

08/31/2011

PAPER

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

August 31, 2011

LEE & MORSE, P.C.
3141 FAIRVIEW PARK DRIVE
SUITE 500
FALLS CHURCH VA 22042

In re Application of	:	
Lim, John-Heun et, al	:	DECISION ON PETITION
Application No. 12/285,852	:	
Filed: 10/15/2008	:	ACCEPTANCE OF COLOR
Attorney Docket No. 242/140	:	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 09, 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.

/Diane Terry/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

MAILED
NOV 17 2011

OFFICE OF PETITIONS

In re Application of :
Wayne M. Matthews, et al. :
Application No. 12/285,854 :
Filed: October 15, 2008 :
Attorney Docket No.: 11795.0035 :

ON PETITION

This is a decision in response to the petition, filed November 2, 2011, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed April 13, 2011, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on July 14, 2011. This decision precedes the mailing of a Notice of Abandonment. On November 2, 2011, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of amendment; (2) the petition fee of \$1,860; and (3) an adequate statement of unintentional delay¹.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$1,270 extension of time fee submitted with the petition on November 2, 2011 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's credit card.

The application is being referred to Technology Center AU 1615 for appropriate action by the Examiner in the normal course of business on the amendment received November 2, 2011.

¹ 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. While 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.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/285,918 10/16/2008 Hiroshi Sugisawa SON-4069 1538

7590 03/19/2012
RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON, DC 20036

Table with 1 column: EXAMINER

BODDIE, WILLIAM

Table with 2 columns: ART UNIT, PAPER NUMBER

2629

Table with 2 columns: MAIL DATE, DELIVERY MODE

03/19/2012

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.

Handwritten signature of Mimi Jarman

Patent Publication Branch
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LAW OFFICES OF CLEMENT CHENG
17220 NEWHOPE STREET #127
FOUNTAIN VALLEY CA 92708

MAILED

DEC 22 2011

OFFICE OF PETITIONS

In re Application of	:	
Nenov et al.	:	
Application No.: 12/286043	:	DECISION ON
Filing or 371(c) Date: 09/27/2008	:	PETITION
Title of Invention:	:	
CLINICAL INFORMATION SYSTEM	:	

This is a decision in response to the "PETITION TO WITHDRAW ABANDONMENT UNDER MEP 711.03(C) AND [37] CFR 1.181," filed December 5, 2011. The request is properly treated as a petition to withdraw the holding of abandonment based upon non-receipt of an Office action under 37 CFR 1.181(a).

This Petition is hereby **dismissed**.

Any further petition must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under [insert the applicable code section]." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Non-Compliant Amendment, mailed May 6, 2011. The Notice set a one (1) month or 30 day period for reply, whichever was longer. No reply having been received, the application became abandoned on June 7, 2011.

Applicant files the present petition and avers that the Notice was never received. Applicant provides that because of employee turnover in the post office serving applicant, mail has been occasionally misdirected. In support of the petition, Applicant files a copy of the Docket record where the non-received Office action would have been entered had it been received and docketed.

Applicable Law, Rules and MPEP

The MPEP 711.03(c)A, Petition To Withdraw Holding of Abandonment Based on Failure To Receive Office Action, provides

In *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in

support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of Delgar, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions). (Emphasis supplied).

Analysis/conclusion

Regrettably, the petition is not grantable at this time. The Office requirements for granting a petition to withdraw the holding of abandonment based upon non-receipt of an Office communication has been modified. The Office requires a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. In addition, a copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence

such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

The petition is dismissed without prejudice. Applicant should file a Request for Reconsideration of Petition and include the necessary statements and/or copies of docket records and/or file jacket docketed for a date that is one (1) month or 30 days from the mail date of the non-received Notice.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Director for Patents
 PO Box 1450
 Alexandria, VA 22313-1450

By FAX: (571) 273-8300
 Attn: Office of Petitions

By hand: Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Telephone inquiries concerning *this matter* should be directed to the undersigned at (571) 272-3232. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center¹.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

¹ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See, 37 CFR 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's action(s).



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LAW OFFICES OF CLEMENT CHENG
17220 NEWHOPE STREET #127
FOUNTAIN VALLEY CA 92708

MAILED
JAN 11 2012
OFFICE OF PETITIONS

In re Application of :
Nenov et al. :
Application No.: 12/286043 : DECISION ON
Filing or 371(c) Date: 09/27/2008 : PETITION
Title of Invention: :
CLINICAL INFORMATION SYSTEM :

This is a decision in response to the Petition for Revival of Application Abandoned Unintentionally Under 37 CFR 1.137(b), filed January 2, 2012.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Non-Compliant Amendment, mailed May 6, 2011. The Notice set a one (1) month or 30 day period for reply, whichever was longer. No reply having been received, the application became abandoned on June 7, 2011.

Applicant files the present petition and Amendment in response to the Notice. The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that the petition includes (1) the reply; (2) the petition fee; and (3) the required statement of unintentional delay. Accordingly, the reply is accepted as having been unintentionally delayed.

This application is being referred to Technology Center Art Unit 3686 for processing of the reply to the Notice filed with the petition in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions



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.
12/286,064 09/26/2008 Knud Jepsen 048374-0120 2393

7590 10/25/2010
FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

EXAMINER

BELL, KENT L

ART UNIT PAPER NUMBER

1661

MAIL DATE DELIVERY MODE

10/25/2010

PAPER

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

October 22, 2010

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

In re Application of :
Knud Jepsen, et al : **DECISION ON PETITION**
Application No. 12286064 :
Filed: 09/26/2008 : **ACCEPTANCE OF COLOR**
Attorney Docket No. **048374-0120** : **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 26, 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.
P.O. BOX 398
AUSTIN TX 78767-0398

MAILED

JAN 06 2011

OFFICE OF PETITIONS

In re Application of :
Marius Ghercioiu et al. :
Application No. 12/286,137 :
Filed: September 29, 2008 :
Attorney Docket No. 5150-72903 :

ON PETITION

This is a decision on the petition filed November 29, 2010 under 37 CFR 1.181 to withdraw the holding of abandonment.

The petition under 37 CFR 1.181 is **DISMISSED**.

The application was held abandoned on February 10, 2009, for failure to file a timely and proper response to the Notice to File Missing Parts mailed November 7, 2008. A two (2) month period for reply was set. Accordingly, a Notice of Abandonment was mailed on September 28, 2010.

Petitioner asserts that a timely and proper response was filed April 7, 2009 and that to prevent the application from becoming abandoned, the response contained a paragraph which authorized a charge to petitioner's deposit account, any extension fees due.

In view of the response filed April 7, 2009 which authorized the charging of additional fees as needed, petitioner's deposit account no. 50-1505 has been charged in the amount of \$1110 for a three month extension of time extending the response period from January 7, 2009 to April 7, 2009. In view thereof, the evidence submitted corroborates a timely response to the Notice to File Missing Parts.

However, the Notice to File Missing Parts required:

- (1) a replacement compact disc containing all of the files listed in the specification in ASCII format, and a duplicate copy of the replacement compact disc, in compliance with 37 CFR 1.52(e);
- (2) a statement that the two compact discs are identical; and
- (3) a statement that the replacement compact disc contains no new matter (see 37 CFR 1.52(e)(4)).

Further, the Notice of Incomplete Reply required:

the compact disc filed in the application contain non-ASCII files. If a directory of the compact disc could be printed, it is attached and the non-ASCII files are marked on the directory. Applicant is required to submit:

(1) a replacement compact disc containing all of the files listed in the specification in ASCII format, and a duplicate copy of the replacement compact disc, in compliance with 37 CFR 1.52(e); (2) a statement that the two compact discs are identical; and (3) a statement that the replacement compact disc contains no new matter (see 37 CFR 1.52(e)(4)).

Items Required To Avoid Processing Delays:

The item(s) indicated below are also required and should be submitted with any reply to this notice to avoid further processing delays.

- This application is objected to under 37 CFR 1.52(e)(4) because it does not contain a statement in the transmittal letter that the two compact discs are identical. Correction is required.

- The compact discs already submitted fail to comply with the labeling requirements of 37 CFR 1.52(e)(6) which requires each disc be labeled "Copy 1" and "Copy 2" respectively; and for replacement compact discs "COPY 1 REPLACEMENT MM/DD/YYYY" (with the month, day and year of creation indicated), and "COPY 2 REPLACEMENT MM/DD/YYYY". Any replacement compact discs submitted should be accompanied by a certification as required by 37 CFR 1.52(e) that each disc of a duplicate set is identical to the other disc of the set. Any new compact discs submitted must comply with the labeling requirements.

- This application is objected to because it contains a data file on CD-ROM/CD-R, however, the transmittal letter does not list for each compact disc, the machine format, the operating system compatibility, a list of files contained on the compact disc including their names, sizes in bytes, and dates of creation, plus any other special information that is necessary to identify, maintain, and interpret the information on the compact disc as required by 37 CFR 1.52(e)(3). A statement listing the required information is required.

A review of the record reveals that while a petition was filed February 9, 2009, which requested that the Office accept bit map images of data flow diagrams in a non-ASCII format, it was dismissed in a decision mailed February 23, 2010, thus a proper reply to

the Notice(s) has not been received and the application was properly abandoned. Further, there does not appear to be anything in the April 7, 2009 submission that addresses the CD requirements. Therefore, the abandonment was proper.

Petitioner is advised that in this instance, the response filed nor an extension of time was sufficient to prevent the application from becoming abandoned.

In view of the above, and since the arguments presented and evidence submitted do not substantiate a finding that, notwithstanding the extension of time, the response was proper, the holding of abandonment will not be withdrawn and the notice of abandonment will not be vacated.

Petitioner may wish to file a petition to revive under 37 CFR 1.137(b). Section 1.137(b) 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). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

- (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof;
- (2) the petition fee as set forth in 37 CFR 1.17(m);
- (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and
- (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

The 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.

A handwritten signature in cursive script that reads "Patricia Faison-Ball". The signature is written in black ink and is positioned above the printed name and title.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions



MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.
P.O. BOX 398
AUSTIN TX 78767-0398

MAILED

APR 13 2011

OFFICE OF PETITIONS

In re Application of
Marius Ghercioiu et al.
Application No. 12/286,137
Filed: September 29, 2008
Attorney Docket No. 5150-72903

ON PETITION

This is a decision on the renewed petition filed February 17, 2011 under 37 CFR 1.181 to withdraw the holding of abandonment.

The petition under 37 CFR 1.181 is **GRANTED**.

The application was held abandoned on February 10, 2009, for failure to file a timely response to the Notice to File Missing Parts mailed November 7, 2008. A two (2) month period for reply was set. Accordingly, a Notice of Abandonment was mailed on September 28, 2010. In a petition filed November 29, 2010 it was asserted that a timely and proper response was filed April 7, 2009 and that to prevent the application from becoming abandoned, the response contained a paragraph which authorized a charge to petitioner's deposit account, any extension fees due. The petition was dismissed in a decision mailed January 6, 2011 which stated that "while a petition was filed February 9, 2009, which requested that the Office accept bit map images of data flow diagrams in a non-ASCII format, it was dismissed in a decision mailed February 23, 2010, thus a proper reply to the Notice(s) has not been received and the application was properly abandoned. Further, there does not appear to be anything in the April 7, 2009 submission that addresses the CD requirements. Therefore, the abandonment was proper".

Comes now petitioner with the instant petition, renewing the argument and with additional evidence. The evidence has been re-considered and petitioner's arguments have been found to be persuasive.

Accordingly, the holding of abandonment is withdrawn and the Notice of Abandonment is vacated. No petition fee is due and none has been charged.

This matter is being referred to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MEDICUS ASSOCIATES
4025 Arbor Rd.
JOPLIN MO 64804

MAILED

MAY 03 2011

OFFICE OF PETITIONS

In re Application of :
Kinam Park et al. :
Application No. 12/286,147 :
Filed: September 27, 2008 :
Attorney Docket No. **368-034A** :
: :
: **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 March 14, 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 December 29, 2008. Also it is noted that the change in correspondence address is improper.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

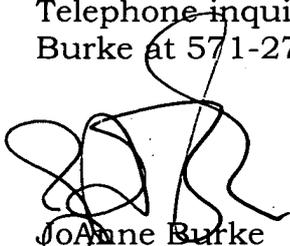
The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming

that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

Therefore, as there is currently no Statement under 37 CFR 3.73(b) with the current assignee information of record in the instant application, the Office cannot change the correspondence address to the address on the Request to Withdraw at this present time.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to JoAnne Burke at 571-272-4584.

A handwritten signature in black ink, appearing to read 'JoAnne Burke', is written over the typed name.

JoAnne Burke
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

REED SMITH, LLP
ATTN: PATENT RECORDS DEPARTMENT
599 LEXINGTON AVENUE, 29TH FLOOR
NEW YORK NY 10022-7650

MAILED

APR 28 2011

In re Application of	:	OFFICE OF PETITIONS
Kojima, Masatomo et al.	:	
Application No. 12/286,173	:	DECISION ON PETITION
Filed: September 29, 2008	:	TO WITHDRAW
Attorney Docket No. 135414-2133	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 12, 2011.

The request is **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 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-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 2783

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **BROTHER KOGYO KABUSHIKI KAISHA**
15-1 NAESHIRO-CHO, MIZUHO-KU, NAGOYA-SHI
CHI-KEN, JAPAN 467-8561



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BIOPOLYMER ENGINEERING , INC. DBA BIOTHERA
C/O CPA Global
P.O. BOX 52050
MINNEAPOLIS MN 55402

MAILED

SEP 30 2010

In re Application of : **OFFICE OF PETITIONS**
Donald Cox :
Application No. 12/286,185 : **DECISION ON PETITION**
Filed: September 29, 2008 :
Attorney Docket No. 80360.011US1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 11, 2010, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Non-Provisional Application (Notice), mailed October 24, 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) was obtained. Accordingly, the application became abandoned on December 26, 2008. A Notice of Abandonment was mailed July 6, 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).

As to item (1), no reply has been received to the Notice to File Missing Parts mailed October 24, 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.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Catherine J. Benson
 3388 Mike Collins Drive
 Eagan, MN 55121

Attachment: Notice to File Missing Parts



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 4 columns: APPLICATION NUMBER (12/286,185), FILING OR 371(C) DATE (09/29/2008), FIRST NAMED APPLICANT (Donald Cox), ATTY. DOCKET NO./TITLE (80360.011US1)

CONFIRMATION NO. 4796

FORMALITIES LETTER



71677
KEITH S. VAN DUYN
P O BOX 508
WILMINGTON, IL 60481

Date Mailed: 10/24/2008

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment.

- The oath or declaration is missing. A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required. Note: If a petition under 37 CFR 1.47 is being filed, an oath or declaration in compliance with 37 CFR 1.63 signed by all available joint inventors, or if no inventor is available by a party with sufficient proprietary interest, is required.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121(d) are required. The drawings submitted are not acceptable because:
- The drawings must be reasonably free from erasures and must be free from alterations, overwriting, interlineations, folds, and copy marks. See Figure(s) 1-7.
- Numbers, letters, and reference characters on the drawings must measure at least 0.32 cm (1/8 inch) in height. See Figure(s) 4,6.
- The drawings submitted to the Office are not electronically reproducible because portions of figures all are missing and/or blurry.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.16(f) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this notice.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$65 for a small entity

- \$65 Surcharge.

Replies should be mailed to:

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.

<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

/mkibret/

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

BIOPOLYMER ENGINEERING , INC. DBA BIOTHERA
C/O CPA Global
P.O. BOX 52050
MINNEAPOLIS MN 55402

MAILED

JAN 19 2011

In re Application of :
Donald Cox : **OFFICE OF PETITIONS**
Application No. 12/286,185 : **DECISION ON PETITION**
Filed: September 29, 2008 :
Attorney Docket No. 80360.011US1 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed November 29, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Non-Provisional Application (Notice), mailed October 24, 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) was obtained. Accordingly, the application became abandoned on December 26, 2008. A Notice of Abandonment was mailed July 6, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an oath and declaration and a surcharge fee of \$65 (2) the petition fee of \$810, and (3) a proper statement of unintentional delay. Accordingly the fee and oath and declaration are accepted as being unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

A one time petition fee was paid on the original filing of this petition on August 11, 2010. The additional fee of \$810 paid on November 29, 2010 will be refunded to petitioner's credit card.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries regarding this decision should be directed to the Kimberly Inabinet at (571) 272-4618.

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 November 29, 2010. Inquires regarding the status of the application should be directed to 571-272-4000.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Catherine J. Benson
3388 Mike Collins Drive
Eagan, MN 55121



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

THE LUTHER LAW FIRM, PLC
10575 N 114TH STREET
SUITE 103
SCOTTSDALE AZ 85259

MAILED

SFP 28 2010

OFFICE OF PETITIONS

In re Application of	:	
Gerald J. GROTT	:	
Application No. 12/286,221	:	DECISION ON PETITION
Filed: September 29, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. ECYC-02DIV1	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 24, 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 made by registered attorney Barbara J. Luther, which will be treated as the result of the attorney having evidence that at least one of the applicants is 65 years of age or more. In the event that such evidence is not with the attorney, the Office should be notified immediately. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-6735.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center at (571) 272-3600.

The application is being forwarded to Technology Center Art Unit 3676 for action on the merits commensurate with this decision.

/d cg/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

REED SMITH, LLP
ATTN: PATENT RECORDS DEPARTMENT
599 LEXINGTON AVENUE, 29TH FLOOR
NEW YORK NY 10022-7650

MAILED

APR 28 2011

In re Application of :

Kojima, Masatomo :

Application No. 12/286,231 :

Filed: September 29, 2008 :

Attorney Docket No. 135414-2132 :

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 April 12, 2011.

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request to change the correspondence address is not that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71 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-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 2783

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **BROTHER KOGYO KABUSHIKI KAISHA
15-1 NAESHIRO-CHO, MIZUHO-KU, NAGOYA-SHI
CHI-KEN, JAPAN 467-8561**



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.
12/286,284	09/24/2008	Joseph M. Plaia	Navy Case 99177	4698
23501	7590	01/07/2011	EXAMINER	
NAVAL SURFACE WARFARE CENTER OFFICE OF COUNSEL CODE C7 17632 DAHLGREN ROAD SUITE 158 DAHLGREN, VA 22448-5110			SHAFFER, RANDALL P	
			ART UNIT	PAPER NUMBER
			4162	
			MAIL DATE	DELIVERY MODE
			01/07/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

NAVAL SURFACE WARFARE CENTER
OFFICE OF COUNSEL CODE C7
17632 DAHLGREN ROAD
SUITE 158
DAHLGREN VA 22448-5110

In re Application of:
Joseph Plaia et al.
Application No. 12/286,284
Filed: September 24, 2008
For: COMPUTATION OF PARTICLE ENERGY
FROM ABLATION

**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 September 24, 2008 requesting acceptance of color drawings.

The petition requests that the color drawings, although not specifically identified but noted as, figures 14, 15a-15b, 16 and 17 be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. 1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. 1.17(h), 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, three (3) sets of color drawings of Figures 14, 15a-15b, 16 and 17. The specification at page 1, paragraph [0001] does contain the required notification described above.

The petition is **GRANTED**.

/Kakali Chaki/

Kakali Chaki
Quality Assurance Specialist
Technology Center 2100



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO. Includes details for application 12/286,290, inventor Takashi Sakumoto, and attorney AISI-0139.

Juan Carlos A. Marquez
c/o Stites & Harbison PLLC
1199 North Fairfax Street
Suite 900
Alexandria, VA 22314-1437

Table with 2 columns: EXAMINER (SANTIAGO, MARICELI), ART UNIT (2879), PAPER NUMBER, NOTIFICATION DATE (07/28/2011), 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.

Mimi Sarmes (Handwritten signature)

Patent Publication Branch
Office of Data Management



REED SMITH, LLP
ATTN: PATENT RECORDS DEPARTMENT
599 LEXINGTON AVENUE, 29TH FLOOR
NEW YORK NY 10022-7650

MAILED

APR 19 2011

OFFICE OF PETITIONS

In re Application of :

SUGAHARA, Hiroto :

Application No. 12/286,318 :

Filed: September 30, 2008 :

Attorney Docket No. 135414-2134 :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 12, 2011.

The request is **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: **BROTHER KOGYO KABUSHIK KAISHA
15-1, NAESHIRO-CHO, MIZUHO-KU
NAGOYA-SHI, AICHI-KEN 467-8561, JAPAN**



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

December 22, 2011

KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

In re Application of :
Berna Erol : **DECISION ON PETITION**
Application No. 12286375 :
Filed: 09/29/2008 : **ACCEPTANCE OF COLOR**
Attorney Docket No. 78179-757737(009910US) : **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 29, 2008.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Laura Feldman/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Application of
Grygoriy Bondar

Application No. 12286388

Filed: September 30, 2008

Attorney Docket No. 0408/YK

:

:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)

:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 07-OCT-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.

Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)
 Approved for use through 07/31/2012. OMB 0651- 0031
 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number	12286388	Confirmation Number	5711	Filing Date	2008-09-30
Attorney Docket Number (optional)	0408YK	Art Unit	3761	Examiner	TREYGER,ILYAY
First Named Inventor	BONDAR Grygoriy				
Title of Invention	DRAINAGE				
<p>Attention: Office of Petitions An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 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>Name of Inventor who is 65 years of age, or older</p>					
Given Name	Middle Name	Family Name	Suffix		
Grygoriy		BONDAR			
<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	/Yefim Kreydin/		Date (YYYY-MM-DD)	2011-10-07	
Name	Yefim Kreydin		Registration Number	44193	

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.



REED SMITH, LLP
ATTN: PATENT RECORDS DEPARTMENT
599 LEXINGTON AVENUE, 29TH FLOOR
NEW YORK NY 10022-7650

MAILED
APR 28 2011
OFFICE OF PETITIONS

In re Application of	:	
SUGAHARA, Hiroto	:	
Application No. 12/286,401	:	DECISION ON PETITION
Filed: September 30, 2008	:	TO WITHDRAW
Attorney Docket No. 135414-2135	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 12, 2011.

The request is **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 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-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 2783

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **BROTHER KOGYO KABUSHIKI KAISHA**
15-1 NAESHIRO-CHO, MIZUHO-KU, NAGOYA-SHI
CHI-KEN, JAPAN 467-8561



REED SMITH, LLP
ATTN: PATENT RECORDS DEPARTMENT
599 LEXINGTON AVENUE, 29TH FLOOR
NEW YORK NY 10022-7650

MAILED

APR 28 2011

OFFICE OF PETITIONS

In re Application of :
SAKURAI, Hisaki :
Application No. 12/286,402 :
Filed: September 30, 2008 :
Attorney Docket No. 660113-20024 :
DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 12, 2011.

The request is **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 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-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 2783

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **BROTHER KOGYO KABUSHIKI KAISHA**
15-1 NAESHIRO-CHO, MIZUHO-KU, NAGOYA-SHI
CHI-KEN, JAPAN 467-8561



REED SMITH, LLP
ATTN: PATENT RECORDS DEPARTMENT
599 LEXINGTON AVENUE, 29TH FLOOR
NEW YORK NY 10022-7650

MAILED

APR 28 2011

OFFICE OF PETITIONS

In re Application of :

SHINDO, Tatsuya :

Application No. 12/286,425 :

Filed: September 30, 2008 :

Attorney Docket No. 660113-20023 :

DECISION ON PETITION

TO WITHDRAW

FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 12, 2011.

The request is **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 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-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 2783

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **BROTHER KOGYO KABUSHIKI KAISHA**
15-1 NAESHIRO-CHO, MIZUHO-KU, NAGOYA-SHI
CHI-KEN, JAPAN 467-8561



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Georgia-Pacific LLC
133 Peachtree Street NE - GA030-41
ATLANTA GA 30303

MAILED
MAY 24 2011
OFFICE OF PETITIONS

In re Patent No. 7,670,457 :
Issue Date: March 2, 2010 :
Application No. 12/286,435 : **DECISION ON PETITION**
Filed: September 30, 2008 :
Attorney Docket No. 12611 P1D3 (GP-03-33-D3) :

This is a decision on the Petition Re Certificate Of Correction, filed May 17, 2010, which is being treated as a Petition Under 37 CFR §3.81(b), to identify the correct assignee's name. A completed Certificate of Correction Form (PTO-1050) was submitted with Petition.

The petition under 37 CFR §3.81(b) is **GRANTED**.

Petitioner urges that the present Petition was submitted to correct the assignee's name on the previously submitted PTOL 85B and such error was inadvertently written. Accordingly, petitioner requests, in effect, that the Title Page of the above-identified patent be corrected, via issuance of Certificate of Correction, to correct the assignee's name identified thereon from:

"Georgia-Pacific Consumer Products LLC"
to:
--Georgia-Pacific Consumer Products LP--

37 CFR 3.81(b), effective June 25, 2004, reads:

After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in §3.11 before issuance of the patent, and must include a request for a certificate of correction under §1.323 of this chapter (accompanied by the fee set forth in §1.20(a) and the processing fee set forth in §1.17(i) of this chapter.

U.S. Patent No. 7,670,457
Application No. 12/286,435
Decision on Petition under 37 CFR §3.81(b)

Page 2

The requisite \$100.00 fee (Fee Code 1811), as set forth under 37 CFR §1.20(a), and the requisite \$130.00 processing fee (Fee Code 1464), as set forth under 37 CFR §1.17(i), have been charged, since the petition was accompanied deposit account authorization. Further, Office assignment records are consistent with the requested correction. Accordingly, since the Petition complies with the provisions of 37 CFR §3.81(b), it is appropriate for the Office to issue a Certificate of Correction in accordance with the content of the Form (PTO-1050) submitted with Petition.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Inquiries related this communication should be directed to the undersigned at (571)272-3213.

Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (703)756-1814.

This matter is being referred to the Certificates of Correction Branch for processing of a Certificate of Correction in U.S. Patent No. 7,670,457.



Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

cc: Ferrells, PLLC
P.O. Box 312
Clifton, Virginia 20124-1706



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**DENTSPLY INTERNATIONAL INC
570 WEST COLLEGE AVENUE
YORK PA 17404**

MAILED

DEC 01 2010

OFFICE OF PETITIONS

In re Application of :
David POLLOCK et al. :
Application No. 12/286,456 : **DECISION ON PETITION**
Filed: September 30, 2008 :
Attorney Docket No. DPD-7301-CON3 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 11, 2010, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed November 02, 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 03, 2010.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item (1).

Petitioner has not provided the application serial number and filing date of the continuing application.

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.

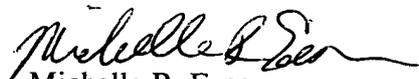
Further correspondence with respect to this matter should be addressed as follows:

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



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DENTSPLY INTERNATIONAL INC
570 WEST COLLEGE AVENUE
YORK PA 17404

MAILED
FEB 27 2012
OFFICE OF PETITIONS

In re Application of :
David POLLOCK et al. :
Application No. 12/286,456 : DECISION ON PETITION
Filed: September 30, 2008 :
Attorney Docket No. DPD-7301-CON3 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 18, 2012, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, November 02, 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 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 a continuing application under 37 CFR 1.53(b); (2) the petition fee of \$1,860.00; and (3) a proper statement of unintentional delay.

This application is being revived solely for purposes of continuity. As continuity has been established by this decision, the application is again abandoned in favor of continuing application No. 13/352,421, filed January 18, 2012.

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



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WOOD, PHILLIPS, KATZ, CLARK & MORTIMER
500 W. MADISON STREET
SUITE 3800
CHICAGO IL 60661

MAILED

DEC 20 2010

OFFICE OF PETITIONS

In re Application of :
Robert E. Fischell et al :
Application No. 12/286,558 : DECISION ON PETITION
Filed: September 30, 2008 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. JOH02748P00047US :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed August 31, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment and Application Data Sheet (ADS) filed with the petition.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled

to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3208. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 3738 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed application.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



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 6 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY. DOCKET NO, TOT CLAIMS, IND CLAIMS. Values: 12/286,558, 09/30/2008, 3738, 1220, JOH02748P00047US, 20, 3

CONFIRMATION NO. 5597

CORRECTED FILING RECEIPT



32116
WOOD, PHILLIPS, KATZ, CLARK & MORTIMER
500 W. MADISON STREET
SUITE 3800
CHICAGO, IL 60661

Date Mailed: 12/20/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections

Applicant(s)

Robert E. Fischell, Dayton, MD;
David R. Fischell, Fair Haven, NJ;
Tim A. Fischell, Nashville, TN;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CON of 11/179,424 07/12/2005 ABN
which is a CON of 10/662,792 09/15/2003 ABN
which is a CON of 10/345,531 01/16/2003 PAT 6,716,240
which is a CON of 09/596,074 06/16/2000 PAT 6,547,817
which is a CON of 09/263,518 03/05/1999 PAT 6,086,604
which is a CON of 08/864,221 05/28/1997 PAT 5,879,370
which is a CON of 08/202,128 02/25/1994 PAT 5,643,312 *

(*)Data provided by applicant is not consistent with PTO records.

Foreign Applications

If Required, Foreign Filing License Granted: 10/23/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 12/286,558

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Stent having a multiplicity of undulating longitudinals

Preliminary Class

623

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).

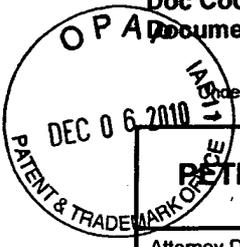
Doc Code: PET.GREEN

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.



1 fu

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number:	Not Applicable	Application Number (if known):	12/286,583	Filing date:	09/30/2008
-------------------------	----------------	--------------------------------	------------	--------------	------------

First Named Inventor: Martin E. Nix

Title: Half Parabolic Dish Reflector with Planar Reflector Solar Smelter

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

- By filing this petition:
Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.
- By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.
- This request is accompanied by statements of special status for the eligibility requirement.
- The application contains no more than three (3) independent claims and twenty (20) total claims.
- The application does not contain any multiple dependent claims.
- Other attachments: Not Applicable

Solar Smelter Dish Nix, pdf

Signature	<i>Martin E. Nix</i>	Date	NOV 19, 2010
-----------	----------------------	------	--------------

Name (Print/Typed)	Martin E Nix	Registration Number	Inventor
--------------------	--------------	---------------------	----------

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 1.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below*.

*Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Pub app# 2010078012
Martin Nix
PO Box 95173
Seattle, wa 98145-2173



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.
12/286,583	09/30/2008	Martin E. Nix		6485

MARTIN NIX
P.O. Box 95173
Seattle, WA 98145-2173

7590

12/21/2010

EXAMINER

NAMAY, DANIEL ELLIOT

ART UNIT	PAPER NUMBER
3749	

3749

MAIL DATE	DELIVERY MODE
12/21/2010	PAPER

12/21/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Martin E. Nix
PO Box 95173
Seattle WA 98145-2173

In re Application of	:	
NIX, MARTIN E.	:	DECISION ON PETITION
Application No. 12/286,583	:	TO MAKE SPECIAL UNDER
Filed: Sep. 30, 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. n/a	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed Dec. 6, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed

invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks items #4 and # 8.

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard. For example, it is not clear how the claimed method of smelting metals, processing chemicals or cooking food by using a half-shell-parabolic-reflector containing a cut-a-way triangle will provide and enhance the quality of the environment or contribute to development of renewable energy resources or energy conservation or greenhouse gas reduction.

In regard to item 8, petitioner should note that since no request in compliance with 37 CFR 1.219 has been made for the early publication of the present application and the publication fee \$300.00 as set forth in 37 CFR 1.18(d) has not been received, the petition is dismissed.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

This application will be forwarded to the Technology Center Art Unit 3749 for action in its regular turn.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center 3700



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN NJ 08830

MAILED

JAN 23 2012

OFFICE OF PETITIONS

In re Application of :
Ho, et al. : **DECISION REFUSING STATUS**
Application No. 12/286,670 : **UNDER 37 CFR 1.47(a)**
Filed: October 1, 2008 :
Atty. Dkt. No.: 2007P11724US :

This decision is in response to the petition under 37 CFR 1.47(a) filed January 27, 2009.

The petition under 37 CFR 1.47(a) is **DISMISSED**.

Petitioners are given **TWO MONTHS** from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted herein. The reply under 37 CFR 1.47(a) may include an oath or declaration executed by the non-signing inventors. Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The instant petition fails to satisfy requirement (1) set forth above.

Petitioners have failed to establish that the non-signing inventor received a complete copy of the instant application papers (specification, including claims, drawings, and oath or declaration) and thereafter refused to execute an oath or declaration, or, that the non-signing inventor cannot be reached or located for presentation of the application papers.

Petitioners state:

“[T]he patent application papers were presented to Mr. Ho and an email sent on October 10, 2008 asking for his signature. Mr. Ho responded on October 12, 2008 expressly refusing to sign.”

There is no indication in the record that the non-signing inventor acknowledged receipt of the complete application papers and thereafter refused to execute the oath or declaration for the

above-identified application. Further, evidence of the alleged written refusal subsequent to presentation of the application papers has not been presented. Accordingly, it cannot be found that the non-signing inventors received a complete copy of the application papers via email and thereafter.

To the extent that petitioners continue to communicate with the inventors via email and were to present the application papers to the inventor via email, any renewed petition must be accompanied by evidence which sufficiently establishes that the copy of the application papers forwarded to the inventor via email was in a form that could be read and comprehended by the intended recipient, and that it was in fact received, opened and read by the intended recipient.

Petitioners are required to establish that the non-signing inventor received a complete copy of the instant application before a refusal to sign an oath or declaration can be alleged. Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

When it is concluded by the 37 CFR 1.47 applicant that a non-signing inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a non-signing inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

Any renewed petition should be accompanied by evidence to establish that each non-signing inventor was sent a complete copy of the application papers (specification, claims, drawings, and oath or declaration) and thereafter refused to execute the declaration. Petitioners may wish to provide the Office copies of letters sent to each inventor indicating the enclosure of the application papers (specification, claims, drawings, and oath or declaration). If after the inventor receives the application papers and requests to execute the oath or declaration are refused, these facts should be set forth in a statement of facts signed by the person to whom the refusals were made and detailing with specificity the exact manner of the refusals. If a written refusal has been made, a copy of the written refusal should be included on renewed petition. See, MPEP 409.03(c).

Further correspondence with respect to this matter should be addressed as follows:

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 1/24/2011

Paper No.:

TO SPE OF : ART UNIT 3662

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/286672 Patent No.: 7746272 B2

CofC mailroom date: 1/15/2011

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580**

Virginia Tolbert
Certificates of Correction Branch
571-272-0460

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Comments: _____

/FHM/

Thomas H. Tarcza/

3662

SPE

Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FASSE PATENT ATTORNEYS, P.A.
P.O. BOX 726
HAMPDEN ME 04444-0726

MAILED

MAR 15 2011

OFFICE OF PETITIONS

In re Patent No. 7,900,878 :
Issue Date: March 8, 2011 :
Application No. 12/286,690 :
Filed: September 30, 2008 :
Attorney Docket No. 4998/CON of 4740 :

ON PETITION

This is a decision on the petition filed February 8, 2011, which is being treated as a request under 37 CFR 3.81(b)¹ to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3215. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at 703-756-1814.

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.

Charlema Grant
Petitions Attorney
Office of Petitions

¹ See MPEP 1309, subsection II; and Official Gazette of June 22, 2004.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Timothy John Van Tuinen, LLC
P.O.Box 351043
Toledo OH 43635

MAILED

JAN 18 2011

OFFICE OF PETITIONS

In re Application of :
Alberto Daniel Lacaze et al. : **DECISION ON PETITION**
Application No. 12/286,706 : **TO WITHDRAW**
Filed: October 1, 2008 : **FROM RECORD**
Attorney Docket No. **RR, Adv. Obj.** :
Detector :

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed December 22, 2010.

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:

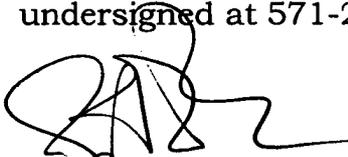
An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

Therefore, as there is currently no Statement under 37 CFR 3.73(b) with the current assignee information of record in the instant application, the Office cannot change the correspondence address to the address on the Request to Withdraw at this present time.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4584.



JoAnne Burke
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

THE INVENTION SCIENCE FUND
CLARENCE T. TEGREENE
11235 SE 6TH STREET
SUITE 200
BELLEVUE WA 98004

MAILED
SEP 12 2011
OFFICE OF PETITIONS

In re Application of :
Roderick A. Hyde, et al. :
Application No. 12/286,755 : DECISION GRANTING PETITION
Filed: September 30, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney No. 0206-009-005-000000 :

This is a decision on the renewed petition under 37 CFR 1.313(c)(2), filed September 8, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 24, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries 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 2878 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

¹ *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JAMES RAY & ASSOCIATES
2640 PITCAIRN ROAD
MONROEVILLE PA 15146

MAILED

APR 04 2011

OFFICE OF PETITIONS

In re Application of :
Kristen L. Perry :
Application No. 12/286768 :
Filing or 371(c) Date: 10/02/2008 : ON PETITION
Attorney Docket Number: KLP 08272 :

This is a decision on the petition under 37 CFR 1.137(b), filed February 15, 2011, to revive the above-identified application.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed May 27, 2010. The Office action set a three (3) month period for reply from the mail date of the Office action. Extensions of time were available under 37 CFR 1.136(a). No reply having been received, the application became abandoned on August 28, 2010.

Applicant files the present petition and includes an Amendment in response to the Office action.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an Amendment is filed with the present petition; (2) the petition fee; and (3) the required statement of unintentional delay. Accordingly, the reply is accepted as having been unintentionally delayed.

The application is being referred to Technology Center Art Unit 3731 for processing of the Amendment filed with the petition in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions



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.
Values: 12/286,786, 12/16/2008, Bailey Gifford Penn, 6744

7590 06/10/2011
Bailey Gifford Penn
1109 Chatham Rd.
Martinsville, VA 24112

EXAMINER

LE, DANG D

ART UNIT PAPER NUMBER

2834

MAIL DATE DELIVERY MODE

06/10/2011

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. [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.

Handwritten signature of Mimi Turner
Patent Publication Branch
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : August 25,2011

In re Application of :

Marc Gershow

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12286787

Filed : 02-Oct-2008

Attorney Docket No : HVD3031

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed August 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 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 1634 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)
Application Number	12286787
Filing Date	02-Oct-2008
First Named Inventor	Marc Gershow
Art Unit	1634
Examiner Name	BETTY FORMAN
Attorney Docket Number	HVD3031
Title	CAPTURE, RECAPTURE, AND TRAPPING OF MOLECULES WITH A NANOPORE

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	/Theresa Lober Reg. No. 35253/
Name	Theresa A. Lober
Registration Number	35253



**REED SMITH, LLP
ATTN: PATENT RECORDS DEPARTMENT
599 LEXINGTON AVENUE, 29TH FLOOR
NEW YORK NY 10022-7650**

MAILED

MAY 23 2011

OFFICE OF PETITIONS

In re Application of	:	
ISONO, Jun	:	
Application No. 12/286,790	:	DECISION ON PETITION
Filed: October 02, 2008	:	TO WITHDRAW
Attorney Docket No. 660113-20025	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 12, 2011.

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

Therefore, as there is currently no statement under 37 CFR 3.73(b) of record in the instant application, the Office cannot change the correspondence address to the address on the Request for Withdrawal.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.



Michelle R. Eason
Paralegal Specialist
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WHITEFORD TAYLOR & PRESTION, LLP
ATTN: GREGORY M. STONE
SEVEN SAINT PAUL STREET
BALTIMORE, MD 21202-1626

MAILED
JAN 31 2011
OFFICE OF PETITIONS

In re Application of	:	
David J. OLES	:	
Application No. 12/286,831	:	DECISION ON PETITION TO
Filed: October 2, 2008	:	WITHDRAW FROM RECORD
Attorney Docket No. 081936/00014	:	
	:	

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 10, 2010.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to **WHITEFORD TAYLOR & PRESTION, LLP** has been revoked by the assignee of the patent application on January 24, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **MATTHEW J. BOOTH & ASSOCIATES, PLLC**
c/o CPA GLOBAL
P.O. BOX 52050
900 SECOND AVENUE SOUTH, SUITE 1560
MINNEAPOLIS, MN 55402



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Ching Chiang Tang
914 Bains Street
East Palo Alto CA 94303

MAILED

NOV 22 2010

OFFICE OF PETITIONS

In re Application of :
Ching Chiang Tang :
Application No. 12/286,835 : **DECISION ON PETITION**
Filed: October 1, 2008 :
Attorney Docket No. TANG-003 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 19, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before August 17, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed May 17, 2010. Accordingly, the date of abandonment of this application is August 18, 2010. The Notice of Abandonment was mailed August 30, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$755 and the publication fee of \$300, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to the Office of Data Management for processing into a patent.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/286,845 10/01/2008 Robert E. Kauffman HERG131858 6985

7590 03/16/2011
CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC
1420 FIFTH AVENUE
SUITE 2800
SEATTLE, WA 98101-2347

EXAMINER

GERIDO, DWAN A

ART UNIT PAPER NUMBER

1797

NOTIFICATION DATE DELIVERY MODE

03/16/2011

ELECTRONIC

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

March 14, 2011

CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC
1420 FIFTH AVENUE
SUITE 2800
SEATTLE WA 98101-2347

In re Application of	:	
Robert E. Kauffman	:	DECISION ON PETITION
Application No. 12286845	:	
Filed: 10/01/2008	:	ACCEPTANCE OF COLOR
Attorney Docket No. HERG131858	:	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 1, 2008.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Laura Feldman/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

GREENBERG TRAURIG (PHX)
INTELLECTUAL PROPERTY DEPARTMENT
2450 COLORADO AVENUE , SUITE 400E
SANTA MONICA CA 90404

MAILED

JAN 07 2011

OFFICE OF PETITIONS

In re Application of :
Stiles, et al. :
Application No. 11/286,888 : DECISION ON PETITION
Filed: 23 November, 2005 :
Attorney Docket No. 104972-013000 :

This is a decision on the petition filed pursuant to 37 C.F.R. §1.78(a)(3), 14 June, 2010, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed with the petition.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 C.F.R. §1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 C.F.R. §1.78(a)(2)(ii). In addition, the petition under 37 C.F.R. §1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. §120 and 37 C.F.R. §1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in §1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 C.F.R. §1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The instant application was filed on 23 November, 2005. Office records reflect that the new claim was presented in an amendment on 14 June, 2010. It appears that Petitioner has not submitted an application data sheet (ADS), and should do so at Petitioner's earliest opportunity.

The petition complies with the requirements of the regulations at 37 C.F.R. §1.78(a)(3) as to reference, surcharge and statement.

...be
...prior-

Application No. 11/286,888

The petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. §120 to the above-noted, prior-filed nonprovisional application satisfies the conditions of 37 C.F.R. §1.78(a)(3).

The petition is **granted**.

A corrected Filing Receipt, which includes the priority claim to the above-noted, prior-filed nonprovisional application, accompanies this decision on petition.

Petitioner is reminded that the granting of this petition and the mailing of a corrected Filing Receipt should not be viewed as an indication that a determination has been made that this application is entitled to claim benefit of the prior-filed application. A determination that applicant is entitled to claim benefit of the prior-filed application will be made by the Examiner prior to the mailing of a certificate of correction.

This application is released to Technology Center 2121 for consideration of the amendment by the Examiner.

Any inquiries concerning this decision may be directed to John Gillon at (571) 272-3214. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.


Chris Bottorff
Supervisory Petitions Examiner
Office of Petitions

Enclosure: Corrected Filing Receipt



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 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: 11/286,888, 11/23/2005, 2121, 1930, 104972-013000, 28, 5

CONFIRMATION NO. 2661

CORRECTED FILING RECEIPT



71373
GREENBERG TRAUIG (PHX)
INTELLECTUAL PROPERTY DEPARTMENT
2450 COLORADO AVENUE , SUITE 400E
SANTA MONICA, CA 90404

Date Mailed: 01/03/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections

Applicant(s)

- Robert W. Stiles; Holly Springs, NC;
Lars Hoffmann Berthelsen; Randers, DENMARK;
Ronald B. Robol, Sanford, NC;
Christopher R. Yahnker, Raliegh, NC;
Everett Cox, Sanford, NC;
Donald Steen, Sanford, NC;
Kevin Murphy, Quartz Hill, CA;
Walter J. Woodcock JR., Sanford, NC;
Daniel J. Hruby, Sanford, NC;
Peter Westermann-Rasmussen, Soenderborg, DENMARK;
Gert Kjaer, Soenderborg, DENMARK;
Einar Kjartan Runarsson, Soenderborg, DENMARK;
Arne Fink Hansen, Graasten, DENMARK;
Alberto Morando, Soenderborg, DENMARK;
Florin Lungeanu, Graasten, DENMARK;
Nils-Ole Harvest, Nordborg, DENMARK;

Assignment For Published Patent Application

Pentair Water Pool and Spa, Inc., Moorpark, CA
Danfoss Low Power Drives, a division of Danfoss Drive A/S, Graasten, DENMARK

Power of Attorney: The patent practitioners associated with Customer Number 71373

Domestic Priority data as claimed by applicant

This application is a CIP of 10/926,513 08/26/2004

Foreign Applications

If Required, Foreign Filing License Granted: 12/29/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/286,888**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
Title

Control algorithm of variable speed pumping system

Preliminary Class

700

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign 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).



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

EDWARD M. MCWHORTER
6931 GREENBROOK CIRCLE
CITRUS HEIGHTS, CA 95621

MAILED

NOV 16 2011

OFFICE OF PETITIONS

In re Application of :
Edward Milton McWhorter :
Application No. 12/286,888 :
Filed: October 3, 2008 :
Attorney Docket No. :

ON PETITION

This is a decision on the petition, filed October 27, 2011 under 37 CFR 1.137(b) 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** final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Non-Compliant Amendment (Notice) mailed March 21, 2011. The Notice set a period for reply of one (1) month from the date of the Notice. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on April 22, 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(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 Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lacks item (1).

As to item (1), a petition to revive cannot be treated where there is an outstanding requirement(s). In the instant case, there was no response to the March 21, 2011 Notice. A courtesy copy of this Notice is being mailed with this decision.

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
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By facsimile: (571) 273-8300
 ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3210.


Irvin Dingle
Petitions Examiner
Office of Petitions

Attachment: A courtesy copy of the March 21, 2011 Notice of Non-Compliant Amendment.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

e 03/21/2011

Edward M. McWhorter
6931 Greenbrook Circle
Citrus Heights, CA 95621

Paper No.

Application No.:	12/286,888	Date Mailed:	03/21/2011
	12286888		
First Named Inventor:	McWhorter, Edward, Milton	Examiner:	KIM, PAUL D
Attorney Docket No.:		Art Unit:	3729
Confirmation No.:	5917	Filing Date:	10/03/2008

Please find attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Notice of Non-Compliant Amendment (37 CFR 1.121)	Application No. 12/286,888	Applicant(s) MCWHORTER, EDWARD MILTON	
		Art Unit 3600	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 10 March, 2011 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- 1. Amendments to the specification:
 - A. Amended paragraph(s) do not include markings.
 - B. New paragraph(s) should not be underlined.
 - C. Other _____.
- 2. Abstract:
 - A. Not presented on a separate sheet. 37 CFR 1.72.
 - B. Other _____.
- 3. Amendments to the drawings:
 - A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - C. Other _____.
- 4. Amendments to the claims:
 - A. A complete listing of all of the claims is not present.
 - B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - D. The claims of this amendment paper have not been presented in ascending numerical order.
 - E. Other: _____.
- 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4): For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance, or a drawing submission (only) If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action. If any of above boxes 1 to 4 are checked, the correction required is only the corrected section of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable /CAROLYN COFER/

Telephone No: (571)272-6583



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

EDWARD M. MCWHORTER
6931 GREENBROOK CIRCLE
CITRUS HEIGHTS, CA 95621

In re Application of :
Edward Milton McWhorter :
Application No. 12/286,888 :
Filed: October 3, 2008 :
Attorney Docket No. :

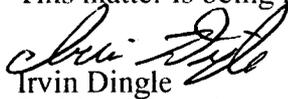
MAILED
DEC 16 2011
OFFICE OF PETITIONS
ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed November 28, 2011, to revive the above-identified application.

The petition is **GRANTED**.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 3729 for further processing.


Irvin Dingle
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ROSS GARNER
17159 POBLADO COURT
SAN DIEGO CA 92127

MAILED

JAN 21 2011

OFFICE OF PETITIONS

In re Application of :
Ross GARNER :
Application No. 12/286,889 : **DECISION ON PETITION**
Filed: December 27, 2008 :
Attorney Docket No. :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 17, 2010, to revive the above-identified application.

The petition is **DISMISSED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed June 25, 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 August 26, 2009.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (2).

With respect to item (2): A review of the record shows that no fee accompanied the petition in the above-identified application. The current petition fee is \$810 for small entity (other than small entity is \$1620). No consideration on the merits can be given until the required fee is remitted.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ROSS GARNER
17159 POBLADO COURT
SAN DIEGO CA 92127

MAILED

MAR 14 2011

OFFICE OF PETITIONS

In re Application of :
GARNER :
Application No. 12/286,889 : DECISION ON PETITION
Filed: December 27, 2008 :
Attorney Docket No. :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 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 Notice to File Corrected Application Papers (Notice), mailed June 25, 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 August 26, 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.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

All other inquires should be directed to the Office of Data Management at (571) 272-4200.

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



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.
12/287,051	10/03/2008	Daniel G. Norgaard	3334.02US03	6981
24113	7590	12/15/2011	EXAMINER	
PATTERSON THUENTE CHRISTENSEN PEDERSEN, P.A.			NGUYEN, SON T	
4800 IDS CENTER			ART UNIT	PAPER NUMBER
80 SOUTH 8TH STREET			3643	
MINNEAPOLIS, MN 55402-2100			MAIL DATE	DELIVERY MODE
			12/15/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

DEC 15 2011

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PATTERSON THUENTE CHRISTENSEN PETERSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS, MN 55402-2100

In re Application of	:	PETITION TO
Norgaard et al.	:	ACCEPT COLOR
Application No. 12/287,051	:	DRAWINGS/PHOTOGRAPHS
Filed: October 3, 2008	:	
For: METHOD FOR SELECTING CROP VARIETIES	:	

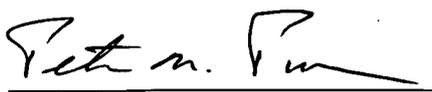
This is a decision on applicant's petition under 37 CFR 1.184(A)(2) filed December 29, 2008 to accept color drawings/photographs.

For the acceptance of color drawings in accordance with 37 CFR 1.184(A)(2), a petition is required which fulfills the following requirements:

- (i) The appropriate fee set forth in 1.17(h),
- (ii) three (3) sets of color drawings/photographs, and
- (iii) amending the specification 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 photography. Copies of this patent with color photographs will be provided by the Patent and Trademark Office upon request and payment of necessary fee."

Having met the requirements of 37 CFR 1.184(A)(2), the petition is **GRANTED**.

Any questions or comments with respect to the decision should be forwarded to Supervisory Patent Examiner, Peter M. Poon at the number listed below.



Peter M. Poon
Supervisory Patent Examiner
Art Unit 3643
(571) 272-6891

pmp: 12/14/11



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

GARY L. EASTMAN
GARY L. EASTMAN, APLC
401 W. "A" STREET, SUITE 1785
SAN DIEGO CA 92101

MAILED
APR 25 2011
OFFICE OF PETITIONS
ON PETITION

In re Application of
Christopher Campbell
Application No. 12/287,060
Filed: October 2, 2008
Attorney Docket No: **1504-PA01**

This is a decision on the petition filed March 30, 2011, to revive the above-identified application, which is being treated under 37 CFR 1.137(b).

The petition is **GRANTED**.

The instant application became abandoned on December 30, 2008, for failure to timely reply to the Notice to File Missing Parts, mailed October 28, 2008, which set a two (2) month shortened statutory period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Accordingly, a Notice of Abandonment was mailed July 9, 2009.

The filing of the response to the Notice to File Missing Parts mailed March 30, 2011 is acknowledged.

The filing fees, late filing surcharge and petition fee have been charged to the credit card provided.

All other requirements having been met, this matter is being referred to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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.
12/287,122 10/06/2008 Ken Hayward 20071902USNP/121782.22501 7716

7590 09/22/2011
PEPPER HAMILTON LLP
500 GRANT STREET
ONE MELLON CENTER, 50TH FLOOR
PITTSBURGH, PA 15219

EXAMINER

WAIT, CHRISTOPHER

ART UNIT PAPER NUMBER

2625

MAIL DATE DELIVERY MODE

09/22/2011

PAPER

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

September 21, 2011

PEPPER HAMILTON LLP
500 GRANT STREET
ONE MELLON CENTER, 50TH FLOOR
PITTSBURGH PA 15219

In re Application of :
Ken Hayward et al. : **DECISION ON PETITION**
Application No. 12287122 :
Filed: 10/06/2008 : **ACCEPTANCE OF COLOR**
Attorney Docket No. 20071902USNP/121782.22501 : **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 6, 2008.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Laura Feldman/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DEPARTMENT OF THE NAVY
OFFICE OF COUNSEL
3824 STRAUSS AVENUE
SUITE 103, BLDG D-31
Indian Head MD 20640-5152

MAILED
JAN 31 2012
OFFICE OF PETITIONS

In re Application of

Kim, et al.

Application No. 12/287,165

Filed: September 30, 2008

Attorney Docket No. **98,569**

:
:
:
DECISION ON PETITION
:
:

This is a decision on the petition under 37 CFR 1.137(b), filed January 11, 2012, to revive the above-identified application.

The petition is **GRANTED**.

This application was held abandoned on August 18, 2011, after a proper response was not received to the non-final Office action mailed May 17, 2011, which set a shortened statutory period for reply of three months from its mailing date. A Notice of Abandonment was mailed December 5, 2011.

The amendment filed January 11, 2012, is noted.

The application is being forwarded to Technology Center 2800, GAU 2855 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CHERNOFF, VILHAUER, MCCLUNG & STENZEL, LLP
601 SW SECOND AVENUE
SUITE 1600
PORTLAND OR 97204-3157

MAILED
APR 11 2011
OFFICE OF PETITIONS

In re Application of :
Kenneth R. Smith et al. :
Application No. 12/287,213 : **NOTICE**
Filed: October 06, 2008 :
Attorney Docket No. **1016.2093** :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 February 25, 2011.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date March 2, 2012

In re Application of Jerome Aubert

Application No. 12287232

Filed: 07-Oct-2008

DECISION ON PETITION

UNDER CFR 1.137(b)

Attorney Docket No. 32293-US-CNT

This is an electronic decision on the petition under 37 CFR 1.137(b), March 2, 2012, to revive the above-identified application.

The petition is GRANTED.

The above-identified application became abandoned for failure to reply in a timely manner to the outstanding final Office action. The date of abandonment is the day after the last day of the period set for reply in the Office action plus any applicable extensions of time properly requested.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a Notice of Appeal, and the appeal fee required by 37 CFR 41.20(b)(1); (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 Notice of Appeal is accepted as having been unintentionally delayed.

The two-month period for filing an appeal brief under 37 CFR 41.37(a)(1), accompanied by the fee required by 37 CFR 41.20(b)(2) runs from the date of this decision.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Technology Center.

Office of Petitions

Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)
-----------------------------	--

Application Number	12287232
--------------------	----------

Filing Date	07-Oct-2008
-------------	-------------

First Named Inventor	Jerome Aubert
----------------------	---------------

Attorney Docket Number	32293-US-CNT
------------------------	--------------

Title	5-HT4 partial agonist pharmaceutical compositions
-------	---

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
 (1) Petition fee;
 (2) Reply and/or issue fee;
 (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; 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	/Karen DeBenedictis/
Name	Karen DeBenedictis
Registration Number	32977



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**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. 12/287,268	:	TO WITHDRAW
Filed: October 7, 2008	:	FROM RECORD
Attorney Docket No. 0306A-003-039C-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:

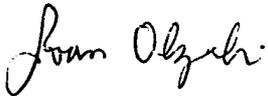
An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

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.

A handwritten signature in cursive script that reads "Joan Olszewski".

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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
D1W Nov-11

Paper No.

JUAN R. RIVERA
P.O. BOX 478404
CHICAGO IL 60647

MAILED
NOV 29 2011
OFFICE OF PETITIONS

In re Application of :
Rivera Vasquez et al. : LETTER DISMISSING
Application Number: 12/287,289 : PETITION
Filing Date: 10/08/2008 :
For: R.Q.1 :

This is a decision in reference to the letter filed on August 11, 2011, which is treated as a petition requesting withdrawal of the holding of abandonment under 37 CFR 1.181.

The petition is **DISMISSED** for the reasons stated below.

This application became abandoned on August 7, 2010, for failure to timely submit a reply to the non-final Office action mailed on May 6, 2010, which set a three (3)-month shortened statutory period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. On January 31, 2011, an untimely reply was filed. On May 26, 2011, Notice of Abandonment was mailed.

The petition cannot be considered on the merits because it is not properly signed. Specifically, 37 CFR 1.4 requires that all papers filed in the USPTO must be signed by either a registered patent attorney or all of the inventors in an application. This petition is missing the signature of joint inventor Musa Yacub Qutub Ansar.

It is further noted that petitioner, inventor Juan R. Rivera Vasquez, asserts that the filing of a reply to the non-final Office action was delayed as a result of Mr. Rivera Vasquez's illness and hospitalization.

The showing of record is insufficient to withdraw the holding of abandonment.

It is undisputed that a reply to the non-final Office action was not timely filed. While the Office is mindful of petitioner's difficulties, in the absence of a timely reply to the non-final Office action, the application became abandoned as a matter of law for failure to timely file a reply to the Office action mailed on May 6, 2010.

Under the circumstances described in the petition papers, petitioners may wish to consider filing a petition under 37 CFR 1.137(a), based on a documented showing that the filing of a timely response was unavoidably delayed due to petitioner's medical incapacitation. The fee due for a petition under 37 CFR 1.137(a) is currently \$310.00 for a small entity.

Alternatively, petitioner may wish to file a petition under 37 CFR 1.137(b), on the assertion that the delay was unintentional. The fee due for a petition under 37 CFR 1.137(b) is currently \$930.00 for a small entity.

A copy of the forms required for filing both petitions have been enclosed with this decision.

Any request for reconsideration must be filed within **ONE MONTH or THIRTY DAYS**, whichever is longer, of the date of this decision. **This period may not be extended.**¹

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

¹ 37 CFR 1.181(f).

Application No. 12/287,289

3

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

A reply may also be filed via the EFS-Web filing system of the USPTO.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Encl: PTO/SB/61
PTO/SB/64



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
OTW Jan-12

JUAN R. RIVERA
P.O. BOX 478404
CHICAGO IL 60647

MAILED
JAN 06 2012
OFFICE OF PETITIONS

In re Application of :
Rivera Vasquez et al. :
Application No. 12/287,289 : ON PETITION
Filed: 10/08/2008 :
Atty. Docket No. R.Q.1 :

In re Application of :
Rivera Vasquez et al. :
Application No. 12/926,264 :
Filed: 11/05/2010 :
Atty. Docket No. R Q 1 :

This is a decision in response to the paper entitled "Petitions" filed on December 20, 2011, requesting that the above-identified files be merged, which is treated as a petition under 37 CFR 1.182, and also as a renewed petition to withdraw the holding of abandonment under 37 CFR 1.181 in Application No. 12/287,789.

The petition is **GRANTED**.

On October 8, 2008, Application No. 12/287,289 (hereinafter "the '289 application") was filed.

On May 6, 2010, a non-final Office action was mailed in the '289 application.

On November 5, 2010, a reply to the non-final Office action was mailed, accompanied by payment of the fee for a three (3) month extension of time. However, the reply did not include the application number of the '289 application, or any other identifying information. Accordingly, the reply was treated as a new application and was assigned Application No. 12/926,264 (hereinafter "the '264 application").

On January 31, 2011, a duplicate copy of the papers filed on November 5, 2010 was filed in the '289 application. However,

this reply was untimely. On May 26, 2011, a notice of abandonment was mailed in the '289 application.

On August 11, 2011, a paper styled as a petition to withdraw the holding of abandonment was filed in the '289 application, whereby petitioner asserted that a reply to the Office action mailed on May 6, 2010, was timely filed.

On November 29, 2011, a letter was mailed in response to the petition.

On December 20, 2011, the subject petition was filed. Petitioner asserts, in essence, that the papers filed on November 5, 2010, were intended to be a reply to the Office action mailed on May 6, 2010, in the '289 application, but that the application number and other identifying information were inadvertently omitted, resulting in the Office treating the papers as a new application. Petitioners therefore request that the '289 application and the '264 application be merged, and that the papers filed in the '264 application be treated as a timely reply to the Office action mailed on May 6, 2010 in the '289 application.

Upon review of both files, it is clear that the papers filed in the '264 application were intended to be an amendment filed in the '289 application, but the transmittal letter indicating the papers were a reply, rather than a new application, was inadvertently omitted. Accordingly, it is proper, on petition under 37 CFR 1.182, to merge the files.

As a result of this decision, the entire disclosure of Application No. 12/926,264 will be transferred to the file of Application No. 12/287,289. Application No. 12/926,264 will no longer be considered an active application number. All future correspondence must reference Application No. 12/287,289, **not** Application No. 12/926,264.

The fees received on November 5, 2010, will be treated as a three (3) month extension of time fee filed in the '289 application.

Petition to Withdraw Holding of Abandonment

Furthermore, the papers filed on November 5, 2010, including the three (3) month extension of time, are considered a timely reply to the Office action mailed on May 6, 2010, in the '289 application. Accordingly, the holding of abandonment is **withdrawn** in the '289 application, and the Notice of Abandonment in the '289 application is **vacated**.

Application No. 12/926,264 is referred to the Office of Patent Application processing for further processing in accordance with this decision.

Application No. 12/287,289 is referred to the Office of Patent Application Processing for further processing.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

RICHARD S. ROSS, ESQ.
4801 S. UNIVERSITY DR.
237
FT. LAUDERDALE FL 3332

MAILED

SEP 03 2010

OFFICE OF PETITIONS

In re Application of :
Davenport et al. : DECISION ON PETITION
Application No. 12/287,303 : TO WITHDRAW
Filed: October 9, 2008 : FROM RECORD
Title: GOLF SWING ANALYSIS :
APPARATUS AND METHOD :

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 7, 2010.

The request is **DISMISSED** as involving a moot issue.

A review of the file record indicates that the power of attorney to the attorneys/agents associated with Customer Number 54748 was revoked by the assignee of the patent application on June 3, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will be directed to the below-listed address until otherwise properly notified.

There is currently no attorneys/agents of record as there is no attorneys/agents associated with the Customer Number 94827.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

cc: ROGER A. DAVENPORT
3111 NE 51 STREET
UNIT 202
FORT LAUDERDALE FL 33308



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JAMES KLAIBER
MILBANK TWEED HADLEY & MCCLOY
1 CHASE MANHATTAN PLAZA
NEW YORK, NY 10005

MAILED
JAN 18 2011
OFFICE OF PETITIONS

In re Application of
James W. SIMINOFF
Application No. 12/287,304
Filed: October 8, 2008
Attorney Docket No. **36885-00140**

DECISION ON PETITION TO
WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 20, 2010.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to James Klaiber of **MILBANK TWEED HADLEY & MCCLOY** has been revoked by the assignee of the patent application on June 8, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **GIBBONS P.C.**
ONE GATEWAY CENTER
NEWARK, NJ 07102



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**JAMES KLAIBER
MILBANK TWEED HADLEY & MCCLOY
1 CHASE MANHATTAN PLAZA
NEW YORK, NY 10005**

**MAILED
JAN 18 2011
OFFICE OF PETITIONS**

In re Application of :
James W. SIMINOFF :
Application No. 12/287,305 :
Filed: October 8, 2008 :
Attorney Docket No. **109038-68885(36885-00120)** :

DECISION ON PETITION TO
WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 20, 2010.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to James Klaiber of **MILBANK TWEED HADLEY & MCCLOY** has been revoked by the assignee of the patent application on June 8, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **GIBBONS P.C.
ONE GATEWAY CENTER
NEWARK NJ 07102**



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WOLFF & SAMSON
ONE BOLAND DRIVE
WEST ORANGE, NJ 07052

MAILED
JAN 18 2011
OFFICE OF PETITIONS

In re Application of :
Harvey DIAMOND :
Application No. 12/287,309 :
Filed: October 8, 2008 :
Attorney Docket No. 10082-0047 :

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 September 20, 2010.

The request is **NOT APPROVED**.

The request to withdraw as attorney/agent of record and change of correspondence address is hereby not accepted. Petitioner has not complied with current USPTO requirements, set forth in 37 CFR 10.40 concerning Request for Withdrawal as Attorney and Change of Correspondence Address.

Petitioner has not properly submitted forwarding correspondence address information for the application.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71, or if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71 (c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73 (b) that is signed by a party who is authorized to act on behalf of the assignee.

The Office will also no longer change the correspondence address to that of a new practitioner unless the Request is accompanied by a power of attorney to a new practitioner (e.g., Form PTO/SB/82). All future communications from the Office will be directed to the above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address has been submitted.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 7253. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

Attachment: Statement Under 37 CFR 3.73(b)



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WOLFF & SAMSON, P.C.
ONE BOLAND DRIVE
WEST ORANGE, NJ 07052

MAILED

MAR 21 2011

In re Application of
Harvey DIAMOND
Application No. 12/287,309
Filed: March 12, 2010
Attorney Docket No. **10082-0057**

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 31, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Jeffrey M. Weinick on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

There is an outstanding Office action mailed September 15, 2010 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **HARVEY DIAMOND**
20 WRIGHTS MILL ROAD
ARMONK, NEW YORK 10504



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.
12/287,337	10/08/2008	Ronald Fundak	2700.004US1	8149
21186	7590	11/10/2011	EXAMINER	
SCHWEGMAN, LUNDBERG & WOESSNER, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402			LARKIN, DANIEL SEAN	
			ART UNIT	PAPER NUMBER
			2856	
			NOTIFICATION DATE	DELIVERY MODE
			11/10/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspto@slwip.com
request@slwip.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

November 8, 2011

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS MN 55402

In re Application of :
Fundak, Ronald et. al : **DECISION ON PETITION**
Application No. 12/287,337 :
Filed: 10/08/2008 :
Attorney Docket No. 2700.004US1 :

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) January 26, 2009.

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 drawings for this application were filed EFS (06/28/11). The PET states that Figures 13, 35A-45 should be in color but figures 13, 44A-C are not. Also the spec does not have the required paragraph for the colored drawings

.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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

January 24, 2012

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS MN 55402

In re Application of :
FUNDAK, RONALD ET AL : **DECISION ON PETITION**
Application No. 12/287,337 :
Filed: 10/08/2008 : **ACCEPTANCE OF COLOR**
Attorney Docket No. 2700.004US1 : **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 01, 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



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MARTIN E. JERISAT
SUITE 3300
10 S. LASALLE STREET
CHICAGO, IL 60603

MAILED

AUG 11 2011

OFFICE OF PETITIONS

In re Application of	:	
Leif Levon	:	
Application No. 12/287,385	:	DECISION ON PETITION
Filed: October 9, 2008	:	TO WITHDRAW FROM
Attorney Docket No. N/A	:	RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 10.40 filed July 19, 2011.

The request is **APPROVED**.

The request was signed by Martin Jerisat on behalf of himself and all attorneys/agents of record. Therefore, Martin Jerisat and all the attorneys/agents of record have been withdrawn.

All future communications from the Office will be directed to the address listed above until otherwise properly notified by the applicant.

There is an outstanding Office action mailed on July 7, 2011, that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.


Andrea Smith
Petitions Examiner
Office of Petitions

cc: Leif Levon
Almu. 7. 5tr 13830 Alta
Alta, SWEDEN



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1459
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/287,385	10/09/2008	Leif Levon	

MARTIN E. JERISAT
SUITE 3300
10 S. LASALLE STREET
CHICAGO, IL 60603

CONFIRMATION NO. 8412
POWER OF ATTORNEY NOTICE



Date Mailed: 08/11/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/19/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/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

KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON DC 20005

MAILED
AUG 09 2010
OFFICE OF PETITIONS

In re Application of :
McIntyre et al. :
Application No. 12/287389 : DECISION ON PETITION
Filing or 371(c) Date: 10/09/2008 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 12637/172 :

This is a decision on the "Petition for Entry of Delayed Benefit Claim - 37 C.F.R. § 1.78(a)(3)," filed April 9, 2010, to accept an unintentionally delayed claim under 35 USC 120 for the benefit of the prior-filed application set forth in the amendment filed with the petition.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt

accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional applications, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Derek Woods at (571) 272-3232. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 2624 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed applications.



Christopher Bottorff
Supervisor
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Table with 7 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY. DOCKET NO, TOT CLAIMS, IND CLAIMS. Row 1: 12/287,389, 10/09/2008, 2624, 811, 12637/172, 26, 4

CONFIRMATION NO. 8951

CORRECTED FILING RECEIPT



23838
KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON, DC 20005

Date Mailed: 08/09/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections

Applicant(s)

Cameron C. McIntyre, Cleveland, OH;
Christopher R. Butson, Shaker Heights, OH;
John D. Hall, Mayfield Heights, OH;
Jaimie M. Henderson, Stanford, CA;

Assignment For Published Patent Application

The Cleveland Clinic Foundation

Power of Attorney: The patent practitioners associated with Customer Number 23838

Domestic Priority data as claimed by applicant

This application is a CON of 12/070,521 02/19/2008
which is a CON of 10/885,982 07/07/2004 PAT 7,346,382

Foreign Applications

If Required, Foreign Filing License Granted: 11/03/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 12/287,389

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Brain stimulation models, systems, devices, and methods

Preliminary Class

382

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

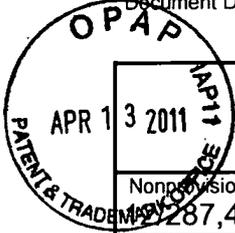
set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier 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).



04-5-11

1 fm

**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): 287,420	Patent Number (if applicable):
First Named Inventor: Takayuki Hoshizaki	Title of Invention: User based positioning aiding network ...

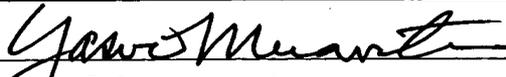
APPLICANT/PATENTEE/REEXAMINATION PARTY HEREBY CERTIFIES AND REQUESTS THE FOLLOWING FOR THE ABOVE-IDENTIFIED APPLICATION/PATENT/REEXAMINATION PROCEEDING.

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 PATENTEEES 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.

AUS 08001, ALPINE. 122 AUS

**CERTIFICATION AND REQUEST
FOR RELIEF DUE TO EVENTS OF MARCH 11, 2011, IN JAPAN (Page 2 of 2)**

3. FOR PATENTEES WHO NEED TO FILE A PETITION TO ACCEPT A DELAYED MAINTENANCE FEE PAYMENT UNDER 37 CFR 1.378(c):
- The maintenance fee payment was required to have been paid after March 10, 2011.
 - A petition under 37 CFR 1.378(c) (using USPTO form PTO/SB/66 – Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(c))) is being promptly filed accompanied by the applicable maintenance fee payment (but not the surcharge under 37 CFR 1.20(i)).
 - The delay in payment of the maintenance fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.
 - The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(i) for accepting a delayed maintenance fee payment.
 - It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed by March 11, 2012, in order to be entitled to a waiver of the surcharge under 37 CFR 1.20(i).
 - It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed within twenty-four months from the expiration date of the patent. See 35 U.S.C 41(c).
 - This request and the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) is being submitted via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
4. FOR NONPROVISIONAL PATENT APPLICATIONS FILED WITHOUT AN EXECUTED OATH OR DECLARATION OR PAYMENT OF THE BASIC FILING FEE, SEARCH FEE, AND/OR EXAMINATION FEE:
- The nonprovisional patent application was filed on or after March 11, 2011, and prior to April 12, 2011.
 - The late filing of the oath or declaration or the basic filing fee, search fee, or examination fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.
 - The USPTO is requested to *sua sponte* waive the surcharge set forth in 37 CFR 1.16(f) for the late filing of the oath or declaration or basic filing fee, search fee, and/or examination fee.
 - This request, together with the executed oath or declaration or the basic filing fee, search fee, or examination fee, as well as the reply to the Notice to File Missing Parts, is being submitted via EFS-Web or by mail directed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature 	Date April 11, 2011
Name (Print/Typed) Yasuo Muramatsu	Practitioner Registration Number 38,684
<p>Note: Signatures of all the inventors, § 1.41(b) applicants, or assignees of record of the entire interest or their representative(s), or reexamination requesters at the appeal stage are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.</p>	
<input type="checkbox"/> *Total of _____ forms are submitted.	



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MURAMATSU & ASSOCIATES
SUITE 310
114 PACIFICA
IRVINE CA 92618

MAILED

APR 26 2011

OFFICE OF PETITIONS

In re Application of :
Takayuki Hoshizaki :
Application No. 12/287,420 : **DECISION ON PETITION**
Filed: October 9, 2008 :
Attorney Docket No. ALPINE.122AUS :

This is a decision on the request filed April 13, 2011, seeking relief under the provisions of an announcement by the Under Secretary and Director of the United States Patent and Trademark Office on March 17, 2011, http://www.uspto.gov/patents/announce/japan_relief_2011mar17.pdf, providing relief to inventors and patent owners in areas affected by the earthquake and resulting tsunami of March 11, 2011.

The request for relief is **GRANTED**.

In the above-identified application, an Office action was mailed on January 7, 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 3662 for re-mailing the Office action of January 7, 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

NEIFELD IP LAW, PC
4813-B EISENHOWER AVENUE
ALEXANDRIA VA 22304

MAILED
MAR 06 2012
OFFICE OF PETITIONS

In re Application of :
MOSKOWITZ et al. :
Application No. 12/287,443 : ON APPLICATION FOR
Filed: 10/09/2008 : PATENT TERM ADJUSTMENT
Attorney Docket No. SCOT0016-2 :

This is in response to the "37 CFR 1.705 APPLICATION FOR PATENT TERM ADJUSTMENT" filed February 17, 2012. Applicants submit that the correct patent term adjustment to be indicated on the patent is "261 days plus an additional day of PTA for each day from the November 21, 2011 mail date of the notice of allowance until the date of the issue of the patent." Applicants seek this correction solely on the basis that the Office will take in excess of three years to issue this patent.

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within three years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE.**

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentees are entitled to for Office failure to issue the patent within three years. See 37 CFR 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under 37 CFR 1.702(a)(4) or applicant delay under 37 CFR 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office cannot make a

determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss such a request as premature.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicants are advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicants must timely file an application for patent term adjustment prior to the payment of the issue fee.¹

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within two months

¹ For example, if applicants dispute both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed, and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicants must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the § 1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

Application No. 12/287,443

Page 3

after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/287,443	10/09/2008	Scott A. Moskowitz	SCOT0016-2	8680
31518	7590	03/21/2012	EXAMINER	
NEIFELD IP LAW, PC 4813-B EISENHOWER AVENUE ALEXANDRIA, VA 22304			AVERY, JEREMIAH L	
			ART UNIT	PAPER NUMBER
			2431	
			NOTIFICATION DATE	DELIVERY MODE
			03/21/2012	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

general@neifeld.com
rneifeld@neifeld.com
rhahl@neifeld.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

Mr. Bruce Margulies
NEIFELD IP LAW, PC
4813-B EISENHOWER AVENUE
ALEXANDRIA VA 22304

In re Application of: MOSKOWITZ, Scott A, et al.
Application No. **12/287,443**
Filed: October 09, 2008
Atty Docket No.: SCOT0016-2
Title of the Invention:
SECURE PERSONAL CONTENT SERVER

**DECISION ON PETITION TO
WITHDRAW TERMINAL
DISCLAIMER 37 C.F.R.
§ 1.181**

This is a decision on the Petition under 37 C.F.R. §1.181 filed **December 05, 2011** regarding a Terminal Disclaimer filed September 16, 2011.

Petition seeks withdrawal of the recorded terminal disclaimer filed over US 7,475,246 (hereafter the '246 patent) to obviate non-statutory obviousness-type double patenting made final on office action mailed February 18, 2011 which rejected claims 32, 56, 58, 60, 62,64, 66 and 68 over the '246 patent claims 1-8, 16 and 31 thereon.

Petition is hereby **DISMISSED**.

In short, in accordance with petitioner, amendments to independent claims 32 and 62 presented in the request for continued examination filed May 18, 2011, renders the obvious-type double patenting rejection presented in the February 18, 2011 office action was "*moot*" in view of the amendments to independent claims 32 and 62 presented in the request for continued examination (RCE).

RULES, PRACTICES AND REGULATIONS

MPEP 804 (I)(A)

Double patenting may exist between an issued patent and an application filed by the same inventive entity, or by a different inventive entity having a common inventor, and/or by a common assignee/owner

MPEP 804 (II)(B)

A rejection based on nonstatutory double patenting is based on a judicially created doctrine grounded in public policy so as to prevent the unjustified or improper timewise

extension of the right to exclude granted by a patent. In re Goodman, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993);

1. Further, those portions of the specification which provide support for the patent claims may also be examined and considered when addressing the issue of whether a claim in the application defines an obvious variation of an invention claimed in the patent. In re Vogel, 422 F.2d 438, 441-42, 164 USPQ 619, 622 (CCPA 1970). The court in Vogel recognized “that it is most difficult, if not meaningless, to try to say what is or is not an obvious variation of a claim,” but that *one can judge whether or not the invention claimed in an application is an obvious variation of an embodiment disclosed in the patent which provides support for the patent claim*. According to the court, one must first “determine how much of the patent disclosure pertains to the invention claimed in the patent” because only “[t]his portion of the specification supports the patent claims and may be considered.” The court pointed out that “this use of the disclosure is **not** in contravention of the cases forbidding its use as prior art, nor is it applying the patent as a reference under 35 U.S.C. 103, since only the disclosure of the invention claimed in the patent may be examined.”

MPEP 804 (II)(B)(1)

A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., In re Berg, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998);

In determining whether a nonstatutory basis exists for a double patenting rejection, the first question to be asked is — does any claim in the application define an invention that is anticipated by, or is merely an obvious variation of, an invention claimed in the patent? If the answer is yes, then an “obviousness-type” nonstatutory double patenting rejection may be appropriate.

A double patenting rejection of the obviousness-type, if not based on anticipation rationale, is “analogous to [a failure to meet] the nonobviousness requirement of 35 U.S.C. 103” except that the patent principally underlying the double patenting rejection is not considered prior art. In re Braithwaite, 379 F.2d 594, 154 USPQ 29 (CCPA 1967). Therefore, *the analysis employed in an obviousness-type double patenting rejection parallels the guidelines for analysis of a 35 U.S.C. 103 obviousness determination*. In re Braat, 937 F.2d 589, 19 USPQ2d 1289 (Fed. Cir. 1991); In re Longi, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985).

MPEP 806 Determination of Distinctness or Independence of Claimed Inventions

The general principles relating to distinctness or independence may be summarized as follows: (A) Where inventions are independent (i.e., no disclosed relation there between), restriction to one thereof is ordinarily proper. MPEP § 806.06. (B) Where inventions are related as disclosed but are distinct as claimed, restriction may be proper. (C) Where inventions are related as disclosed but are not distinct as claimed, restriction is never proper. (D) A reasonable number of species may be claimed when there is an allowable claim generic thereto. 37 CFR 1.141, MPEP § 806.04. Where restriction is required by the Office double patenting cannot be held, and thus, it is imperative the requirement should never be made where related inventions as claimed are not distinct. For (B) and (C) see MPEP § 806.05 - § 806.05(j) and §809.03. See MPEP § 802.01 for criteria for patentably distinct inventions.

MPEP 806.01 Compare Claimed Subject Matter

In passing upon questions of double patenting and restriction, it is the claimed subject matter that is considered and such claimed subject matter must be compared in order to determine the question of distinctness or independence. However, a provisional election of a single species may be required where only generic claims are presented and the generic claims recite such a multiplicity of species that an unduly extensive and burdensome search is necessary. See MPEP § 803.02 and § 808.01(a).

OPINION

The claims (32 and 62) as amended on May 18, 2011 in accordance with petitioner's remarks enclosed with the above mentioned RCE indicate "[i]n response to the DP rejections, the applicant files a Terminal Disclaimer over USP 7475246. In response to the 103 rejection, the applicant amends to *define legacy* to further define over Stringer and Guedalia. Referring to our application publication 20090089427, paragraph 0069 discloses *using a particular watermark* to determine secure or unsecure, and the lack of that watermark meaning legacy. This concept is now defined in the claims." (see remarks page 3 of 8)

Claim amendments to independent claims 32 and 62 presented in the RCE filed May 18, 2011, have been reviewed given petitioners indication that *this* amendment renders the obvious-type double patenting rejection presented in the February 18, 2011 office action "*moot*". The claims as amended on May 18, 2011 in substance *add* the clause "*wherein a quality level of legacy means that said first content does not include said watermark.*"

The added limitation and the '246 patent claims have been reviewed and found to be an obvious variation to claims 3 - 5 of the '246 patent. More specifically:

Patent '246 claim 3 recites, ... if the digital content is not authorized for use, accepting the digital content at a predetermined quality level, said predetermined quality level having been set for legacy content, ...if the digital content is not authorized for use by the LCS, accepting the digital content at a predetermined quality level, said predetermined quality level having been set for legacy content.

Patent '246 claim 4 recites, ...wherein said domain processor determines whether digital content is authorized for use by extracting a watermark from the digital content being transferred.

Patent '246 claim 5 (similarly claim 7) recites, ... wherein said domain processor comprises: an analyzer to analyze the identification code from the SU to determine if the SU is an authorized device for communicating with the LCS; means for analyzing digital content received from an SU; said system permitting the digital content to be stored in the LCS if ...ii) an analysis of the digital content received from the SU concludes that the content cannot be authenticated because no authentication data is embedded in the content,

Thus, the (i) added limitation is an obvious variation to claims 3 and 5 of the '246 patent, where the distinction is "authentication" (embedded) data has been interchanged with "watermark".

Additionally, those portions of the specification which provide support for the patent claims have also been examined and considered when addressing the issue of whether a claim in the application defines an obvious variation of an invention claimed in the patent. Supporting

disclosure of the '246 patent claims 3 and 5 may be found at column 13, lines 19-35 describing Fig. 2, (i.e. "[t]he LCS Domain analyzes the content to determine if a watermark is present in the content. If no watermark is present, then the quality of the content is downgraded to Low Quality before it is stored in the LCS Storage.") Reviewing the abstract and column 14, lines 1-15 describing Fig. 4 (i.e. "[i]f the content does not contain a watermark, the quality is downgraded to Low Quality before permitting access to the LCS.") (see MPEP 804 (II)(B) supra)

Added subjected matter to claims 32 and 62 in instant application are merely an obvious variation of the invention claimed in the patent claims 3 through 5, thus, the obviousness-type non-statutory double patenting rejection is appropriate (see MPEP 801)

Petitioner's arguments relying on the '246 patent claims 11-12, and 24 have been fully considered, however, were not relied upon to support the nonstatutory double patenting rejection based on judicially created doctrine maintained on final rejection mailed 02/18/11 (see page 3-8).

For the above-mentioned reasons, the petition is **dismissed**.

Any inquiry regarding this decision should be directed the undersigned whose telephone number is (571) 272-3902. If attempts to reach the undersigned by telephone are unsuccessful, alternatively, Christopher Grant, Quality Assurance Specialist, can be reached at (571) 272-7294.

/bp/

/Beatriz Prieto/

Beatriz Prieto, Quality Assurance Specialist
Technology Center 2400



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

July 14, 2011

Casimir Jones, S.C.
2275 DEMING WAY, SUITE 310
MIDDLETON WI 53562

Re Application of
GARITANO, GILBERT

Application: **12/287476**

Filed: **10/09/2008**

Attorney Docket No: **DERMA-06447/US-4/CON**

: 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) October 9, 2008.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

July 27, 2011

Casimir Jones, S.C.
2275 DEMING WAY, SUITE 310
MIDDLETON WI 53562

Re Application of
GARITANO, GILBERT

Application: **12/287476**

Filed: **10/09/2008**

Attorney Docket No: **DERMA-06447/US-4/CON**

: 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) October 9, 2008.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is **GRANTED**.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ROGERS TOWERS, P.A.
1301 RIVERPLACE BOULEVARD
SUITE 1500
JACKSONVILLE, FL 32207

MAILED
APR 20 2011
OFFICE OF PETITIONS

In re Application of :
James K. Helms :
Application No. 12/287,486 : **DECISION ON PETITION**
Filed: October 9, 2008 :
Attorney Docket No. J0373.10DIV :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 11, 2011, to revive the above-identified application.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts. However, if petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. All future correspondence regarding this application file will be directed solely to the address of record until otherwise instructed.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must so notify the Office.

The application became abandoned for failure to reply in a timely manner to the Notice of Non-Compliant Amendment (Notice) mailed March 2, 2010, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on April 2, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay.

In view of the above, the petition is **GRANTED**.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642.

This application is being referred to Technology Center AU 3634 for appropriate action by the Examiner in the normal course of business on the reply received September 17, 2010.



April M. Wise
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

James W. Badie, Esq.
Suite 3300
521 Fifth Avenue
New York NY 10175-3399

MAILED
FEB 14 2011
OFFICE OF PETITIONS

In re Application of :
Ghassan Marji :
Application No. 12/287,491 : ON PETITION
Filed: October 10, 2008 :
Attorney Docket No. **JWB-2008-6-P** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 3, 2011, to revive the above-identified application.

The petition is hereby **DISMISSED**.

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed February 4, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 5, 2010.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (1).

As to item (1)

The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination (RCE) and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). *See* MPEP 711.03(c)(III)(A)(2). Since the amendment submitted on May 20, 2010, does not *prima facie* place the application in condition for allowance, the reply required must be a Notice of Appeal (and appeal fee), RCE, or the filing of a continuing application under 37 CFR 1.53(b). A copy of the Advisory Action explaining why the amendment was not accepted is enclosed with this decision.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "**Renewed Petition under 37 CFR 1.137(b)**." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.



JoAnne Burke
Petitions Examiner
Office of Petitions

Enclosed: Copy of Advisory Action



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.
12/287,491	10/10/2008	Ghassan Marji	JWB-2008-6-P	8849
	7590	12/09/2010	EXAMINER	
James W. Badie, Esq. Suite 3300 521 Fifth Avenue New York, NY 10175-3399			MATHEW, FENN C	
			ART UNIT	PAPER NUMBER
			3764	
			MAIL DATE	DELIVERY MODE
			12/09/2010	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.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No. 12/287,491	Applicant(s) MARJI, GHASSAN	
Examiner Fenn C. Mathew	Art Unit 3764	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 May 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) The period for reply expires 3 months from the mailing date of the final rejection.
b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) They raise new issues that would require further consideration and/or search (see NOTE below);
(b) They raise the issue of new matter (see NOTE below);
(c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. Applicant's reply has overcome the following rejection(s): _____.
6. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1, 4 and 7.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____
12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. Other: Examiner respectfully disagrees with Applicant's position. As stated before, Foxman and O'Shea teach the limitations of the claims, with those differences not taught explicitly by the prior art, being matters of ordinary design choice, as they are drawn to shapes. Foxman and O'Shea teach T-shaped handles that provide a superior grip.

/Fenn C Mathew/
Primary Examiner, Art Unit 3764



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

James W. Badie, Esq.
Suite 3300
521 Fifth Avenue
New York NY 10175-3399

MAILED
MAY 03 2011
OFFICE OF PETITIONS

In re Application of :
Ghassan Marji :
Application No. 12/287,491 : **ON PETITION**
Filed: October 10, 2008 :
Attorney Docket No. **JWB-2008-6-P** :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed April 15, 2011, to revive the above-identified application.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Notice of Appeal; (2) the petition fee of \$810; and (3) a proper statement of unintentional delay.

The petition is hereby **GRANTED**.

The two-month period for filing an appeal brief under 37 CFR 41.37 (accompanied by the fee required by 37 CFR 41.20(b)(2)), runs from the date of this decision.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

This application is being referred to Technology Center AU 3764 to await the filing of an appeal brief or for such other appropriate reply as may be submitted to continue prosecution of the application.



JoAnne Burke
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HAROLD SHIRLEE
3 DOVER DRIVE
LITTLE ROCK AR 72204

MAILED
APR 13 2011
OFFICE OF PETITIONS

In re Application of :
Shirlee, et al. :
Application No. 12/287,492 : ON PETITION
Filed: October 10, 2008 :
Title: Telephone Interface Shut Off :
System :

This is a decision on the petition to revive an unavoidably abandoned application under 37 CFR 1.137(a), filed March 7, 2011.

The petition is DISMISSED.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)". Extensions of time under 37 CFR 1.136(a) are permitted. No fee is required for a renewed petition under 37 CFR 1.137(a).

The petition is not acceptable, as it is not signed by all of the applicants for patent (Harold Shirlee, Steve Menhart, and Wenle Zhang). Pursuant to 37 CFR 1.33(b), all papers filed with the Office must be signed by either: (1) all of the applicants for patent; (2) a registered attorney or agent; (3) an assignee of the application. Here, there is no indication that applicants have appointed an attorney or agent to represent them, or that the three applicants have assigned their interest in the application to the person signing the petition (Harold Shirlee).

On renewed petition, applicants must submit a petition signed by all of the inventors, a registered attorney of agent, or an assignee.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

By FAX: (571) 273-8300
 Attn: Office of Petitions

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HAROLD SHIRLEE
3 DOVER DRIVE
LITTLE ROCK AR 72204

MAILED
JUN 09 2011
OFFICE OF PETITIONS

In re Application of :
Shirlee, et al. :
Application No. 12/287,492 : ON PETITION
Filed: October 10, 2008 :
Title: Telephone Interface Shut Off :
System :

This is a decision on the petition to revive an unavoidably abandoned application under 37 CFR 1.137(a), filed May 16, 2011.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)". Extensions of time under 37 CFR 1.136(a) are permitted.

On March 7, 2011, applicant filed a petition to revive under 37 CFR 1.137(a). However, the petition was dismissed in a decision mailed on April 13, 2011, without being considered on the merits, because the petition was not signed by all of the applicants.

Applicants filed the instant petition on May 16, 2011, signed by all of the inventors.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(1); (3) a showing to the

satisfaction of the Commissioner 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 instant petition has not satisfied requirement (2) above.

Applicants have not submitted the petition filing fee of \$250 which is required for a petition to revive under 37 CFR 1.137(a). The petition filing fee is required for the filing, and subsequent consideration, of the petition. In other words, it is a petition "filing fee", and not a petition "grant fee". As such, no consideration of the instant petition will be made on the merits until such time as applicants submit the required petition fee.

However, it is noted that applicants are arguing that they never received the June 23, 2010 Office action. An assertion of non-receipt of an Office action may be made by way of a petition to withdraw the holding of abandonment under 37 CFR 1.181. No fee is required for a petition under 37 CFR 1.181. As no forms exist for such petitions, if applicants choose to file, applicants should entitle their petition "Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181".

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

By FAX: (571) 273-8300
 Attn: Office of Petitions

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

King & Partners, PLC
170 College Avenue
SUITE 230
HOLLAND MI 49423

MAILED

JUN 22 2011

OFFICE OF PETITIONS

In re Application of :
SOLOMON et al. :
Application No. 12/287,504 : **DECISION ON PETITION**
Filed: 10/09/2008 :
Attorney Docket No. SOL-051195 :

This is a decision on the petition under 37 CFR.1.181 filed June 13, 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 October 7, 2010, which set a three-month shortened statutory period for reply. Extensions of this period were available under 37 CFR 1.136(a). On April 21, 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 April 18, 2011 (bearing a certificate of mailing date of April 7, 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 April 18, 2011 (certificate of mailing date of April 7, 2011).

This matter is being referred to Technology Center Art Unit 3761 for further action on the reply filed on April 18, 2011 (certificate of mailing date of April 7, 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 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



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

RICHARD D. MULTER
2529 14TH AVENUE CT
GREELEY, CO 80631

MAILED
FEB 21 2012
OFFICE OF PETITIONS

In re Application of	:	
Steven C. Sims, et al.	:	
Application No. 12/287,506	:	DECISION ON PETITION
Filed: October 9, 2008	:	TO WITHDRAW
Attorney Docket No. 2053-123B	:	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, 2012.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The Office strongly encourages practitioner(s) requesting withdrawal from representation as practitioner of record in an application to review the record to determine whether he or she is, in fact, of record and how he or she was made of record. The practitioner(s) should determine whether he or she was appointed by naming each practitioner individually or through the use of a Customer Number. If the practitioner(s) were appointed by a specific designation, then the request should ask that each specified practitioner be withdrawn and should list each practitioner(s) in the Request. Similarly, if practitioner(s) was appointed by a Customer Number, the practitioner(s) should ensure that the correct number is provided in the Request. Additionally, as set forth in MPEP 403(I), the addition or deletion of a practitioner from the list of persons associated with a Customer Number should be done by way of a Request for Customer Number Data Change (PTO/SB/124) and not a Request for Withdrawal As Attorney or Agent and Change of Correspondence Address (PTO/SB/83).

The request cannot be approved because practitioners were appointed by customer number. Practitioners must withdraw in the same manner by which they were appointed.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: STEVEN SIMS
50 W. ROSE NYE WAY
SHELTON, WA 98584



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

RICHARD D. MULTER
2529 14TH AVENUE CT
GREELY, CO 80631

MAILED

MAR 26 2012

OFFICE OF PETITIONS

In re Application of
Steven C. Sims, et al.
Application No. 12/287,506
Filed: October 9, 2008
Attorney Docket No. 2053-123B

:
:
:
:
:
:

**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 March 1, 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 request was signed by Richard D. Multer on behalf of all attorneys of record who are associated with customer No. 32149. All attorneys/agents associated with the Customer Number 32149 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There is an outstanding Office action mailed March 8,, 2012 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: SIMS VIBRATION LABORATORY, INC.
50 WEST ROSE NYE WAY
SHELTON, WA 98584



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
12/287,506	10/09/2008	Steven C. Sims	2053-123B

CONFIRMATION NO. 8815

POWER OF ATTORNEY NOTICE



Date Mailed: 03/16/2012

32149
Richard D. Multer
2529 14th Avenue Ct
Greeley, CO 80631

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/08/2012.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SANFORD J. PILTCH, ESQ.
1132 HAMILTON STREET
SUITE 201
ALLENTOWN PA 18101

MAILED

SEP 22 2011

OFFICE OF PETITIONS

In re Application of :
Bowers :
Application No. 12/287,540 :
Filed: October 10, 2008 :
Attorney Docket No. 1680.1 :

ON PETITION

This is in response to the papers filed September 16, 2011, which is being treated as a request to withdraw the holding of abandonment pursuant to 37 CFR 1.181.

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).

This above-identified application became abandoned for failure to timely file a proper response to a non-final Office Action, which was mailed on September 30, 2009. The non-final Office Action set a three (3) month shortened statutory period for reply. Accordingly, this application became abandoned on December 31, 2009. A Notice of Abandonment was mailed on June 22, 2010.

In the present petition, petitioner states there was what amounts to miscommunication between applicant and his voluntarily chosen representative. However, where an applicant contends that the application is not in fact abandoned (e.g., there is disagreement as to the sufficiency of the reply, or as to controlling dates), a petition under 37 CFR 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action, and such petition does not require a fee. Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment), a petition under 37 CFR 1.137 (accompanied by the appropriate petition fee) is necessary to revive the abandoned application.

It is further noted that 37 CFR 1.181(f) provides that, inter alia, except as otherwise provided, any petition not filed within 2 months from the action complained of may be dismissed as untimely. This request was not submitted within two months of the abandonment of the application.

In view of the above, the application was properly held abandoned.

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.

The address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition. However, the Office will mail all future correspondence solely to the address of record.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By FAX: (571) 273-8300

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3215.



Charlema Grant
Petitions Attorney
Office of Petitions

Enclosures: Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b); Form PTO/SB/64, Privacy Act Statement; and a copy of the non-final Office action dated September 30, 2010.

Cc: Robert C. Bowers II
36 Adams Island
Allentown, PA 18109



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.
12/287,540	10/10/2008	Robert C. Bowers II	1680.1	9423

35579 7590 09/30/2009
SANFORD J. PILTCH, ESQ.
1132 HAMILTON STREET
SUITE 201
ALLENTOWN, PA 18101

EXAMINER

BOSWELL, CHRISTOPHER J

ART UNIT PAPER NUMBER

3673

MAIL DATE DELIVERY MODE

09/30/2009

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.

Office Action Summary	Application No. 12/287,540	Applicant(s) BOWERS, ROBERT C.	
	Examiner CHRISTOPHER BOSWELL	Art Unit 3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-14 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 10 October 2008 is/are: a) accepted or b) objected to by the Examiner.
 - Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 - Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 - 1. Certified copies of the priority documents have been received.
 - 2. Certified copies of the priority documents have been received in Application No. _____.
 - 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

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 3 and 4 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.

Claims 3 and 4 and recite the limitations “a first locking pin” in line 3 and “a second locking pin” in line 5. It is unclear if the aforementioned limitations refer to the previously recited locking pins, or new locking pins. To further prosecution, the claims will be examined as the limitation refers to the previously cited locking pins.

Double Patenting

Applicant is advised that should claims 1, 3 and 5-9 be found allowable, claims 2, 4 and 10-14 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

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 1-6 and 9-12 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 4,095,828 to East.

East discloses a locking device comprising a slide bolt (20) having a barrel housing (23) capable of retaining and permitting both rotational and lateral motion of the slide bolt into and out of engagement with a slide bolt keeper (31), means for attaching the barrel housing to a structure and for attaching the slide bolt keeper to a juxtaposed structure on either side of an entryway space (28 and 29), each in coaxial alignment with the other (figures 1 and 2), a locking means (30) with a first locking pin (the portion of 22 distal from frame 10) integrally being part of the slide bolt and a second locking pin (the portion of 22 proximal frame 10) to engage and disengage directly into the slide bolt shaft and through the barrel housing while the shaft is engaged with the slide bolt keeper and to engage and disengage directly into the shaft and through the barrel housing while the shaft is disengaged from the slide bolt keeper (figures 1 and 4), two apertures (24 and 25) in the barrel housing to accommodate the second locking pin of the locking means to engage and disengage directly into the slide bolt shaft, an aperture (column 2, lines 12-13) in the barrel housing to accommodate the lateral movement of the slide bolt with the first locking pin of the locking means engaged and integrally part of the slide bolt shaft, as in claim 1.

Art Unit: 3673

East also discloses a body (body of locking mechanism 30) for housing a locking mechanism (key lock in element 30), means to secure a first end of a first locking pin (the portion of 22 distal from frame 10) in the locking mechanism while the second end of the first locking pin is permanently attached to the slide bolt shaft, means to secure a first end of a second locking pin (the portion of 22 proximal frame 10) in the locking mechanism while the second end of the second locking pin is temporarily positioned through the barrel housing and into the slide bolt shaft, wherein the first locking pin is movable through an H-shaped aperture (24) in the barrel housing, and the second locking pin can engage and disengage from the barrel housing and slide bolt shaft so that the movable slide bolt shaft can shift laterally to engage with and disengage from the slide bolt keeper (via aperture 25), as in claim 4, wherein the device is mounted to a moveable gate and juxtaposed fence structure (10 and 11), as in claim 5, and the device is mounted on a door and jam structure (10 and 11), as in claim 6.

East further discloses the means for attaching the barrel housing to a structure comprises two outwardly extending flanges (flanges adjacent to 50 and 51) substantially parallel to a structure surface, the flanges having apertures (apertures receiving 28 and 29) for fasteners to be attached through to the structure surface behind the locking device, and wherein the means for attaching the slide bolt keeper to a structure comprises two outwardly extending flanges (the flange substantially surrounding the keeper) substantially parallel to a structure surface, the flanges having apertures (26 and 31) for fasteners to be attached through to the structure surface behind the locking device, as in claim 9.

Art Unit: 3673

East additionally discloses a locking device for locking a movable structure (11) against movement relative to a fixed structure (10), the device comprising a slide bolt (20) having a barrel housing (23) capable of retaining and permitting both rotational and lateral motion of the slide bolt into and out of engagement with a slide bolt keeper (31), means for attaching the barrel housing to a structure and for attaching the slide bolt keeper to a juxtaposed structure on either side of an entryway space (28 and 29), each in coaxial alignment with the other (figures 1 and 2), a locking means (30) with a first locking pin (the portion of 22 distal from frame 10) integrally being part of the slide bolt and a second locking pin (the portion of 22 proximal frame 10) to engage and disengage directly into the slide bolt shaft and through the barrel housing while the shaft is engaged with the slide bolt keeper and to engage and disengage directly into the shaft and through the barrel housing while the shaft is disengaged from the slide bolt keeper (figures 1 and 4), two apertures (24 and 25) in the barrel housing to accommodate the second locking pin of the locking means to engage and disengage directly into the slide bolt shaft, an aperture (column 2, lines 12-13) in the barrel housing to accommodate the lateral movement of the slide bolt with the first locking pin of the locking means engaged and integrally part of the slide bolt shaft, as in claim 2.

East also discloses locking means comprises a body (body of locking mechanism 30) for housing a locking mechanism (key lock in element 30), means to secure a first end of a first locking pin (the portion of 22 distal from frame 10) in the locking mechanism while the second end of the first locking pin is permanently attached to the slide bolt shaft, means to secure a first end of a second locking pin (the portion of 22 proximal frame 10) in the locking mechanism while the second end of the second locking pin is temporarily attached through the barrel

Art Unit: 3673

housing and the slide bolt shaft, wherein the first locking pin is movable through an H-shaped aperture (24) in the barrel housing, and the second locking pin can engage and disengage from the barrel housing and slide bolt shaft so that the movable slide bolt shaft can shift laterally to engage with and disengage from the slide bolt keeper (via aperture 25), as in claim 4.

East further discloses the means for attaching the barrel housing to a structure comprises two outwardly extending flanges (flanges adjacent to 50 and 51) substantially parallel to a structure surface, the flanges having apertures (apertures receiving 28 and 29) for fasteners to be attached through to the structure surface behind the locking device, and wherein the means for attaching the slide bolt keeper to a structure comprises two outwardly extending flanges (the flange substantially surrounding the keeper) substantially parallel to a structure surface, the flanges having apertures (26 and 31) for fasteners to be attached through to the structure surface behind the locking device, as in claim 10, and the device is mounted to a moveable gate and juxtaposed fence structure (10 and 11), as in claim 11, as well as the device is mounted on a door and jam structure (10 and 11), as in claim 12.

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.

Claims 7, 8, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over East, as applied above.

Art Unit: 3673

East discloses the invention substantially as claimed. East discloses the locking device being utilized between relatively movable devices (10 and 11). However, East does not disclose the locking device being utilized on an overhead door system. Where it is noted that the inclusion of the locking device being used on an overhead door system is considered an intended use. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the locking device of East in an overhead door system, where the barrel housing would be mounted on one of the door and door rail structure, and the slide bolt keeper would be mounted on the other of the door and the door rail structure in order to prevent unauthorized access to the contents of the door. A recitation with respect to the manner in which an apparatus is intended to be employed does not impose any structural limitation upon the claimed apparatus which differentiates it from a prior art reference disclosing the structural limitations of the claim. In re Pearson, 494 F.2d 1399, 181 USPQ 641 (CCPA 1974); In re Yanush, 477 F.2d 958, 177 USPQ 705 (CCPA 1973); In re Finsterwalder, 436 F.2d 1028, 168 USPQ 530 (CCPA 1971); In re Casey, 370 F.2d 576, 152 USPQ 235 (CCPA 1967); In re Otto, 312 F.2d 937, 136 USPQ 458 (CCPA 1963); Ex parte Masham, 2 USPQ2d 1647 (BdPatApp & Inter 1987).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to sliding locking assemblies:

U.S. Patent Number 2,482,341 to Holmsten, U.S. Patent Number 2,613,970 to Holmsten, U.S. Patent Number 3,451,703 to Roegner, U.S. Patent Number 3,599,453 to Bauernfeind, U.S. Patent Number 4,307,904 to Daus, U.S. Patent Number 4,616,493 to Fazzolari et al., U.S. Patent Number 4,861,079 to DeForrest, Sr., U.S. Patent Number 4,883,294 to Goodspeed, U.S. Patent Number 4,884,421 to Lindsay, U.S. Patent Number

Art Unit: 3673

4,977,763 to Sewell, U.S. Patent Number 5,931,032 to Gregory, U.S. Patent Number 6,351,975 to Valdes, U.S. Patent Number 6,494,064 to Pena.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER BOSWELL whose telephone number is (571)272-7054. The examiner can normally be reached on 9:00 - 4:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (571) 272-6856. 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). 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.

/Peter M. Cuomo/
Supervisory Patent Examiner, Art Unit 3673

Christopher Boswell
Examiner
Art Unit 3673

CJB /cb/
September 21, 2009



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WILSON, SONSINI, GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO CA 94304-1050

MAILED

MAR 28 2011

OFFICE OF PETITIONS

In re Application of	:	
Ross Walden Tye	:	
Application No. 12/287,558	:	DECISION ON PETITION
Filed: October 10, 2008	:	TO WITHDRAW
Attorney Docket No. 33482-702.301	:	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 **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 Vernon Norviel on behalf of all attorneys of record who are associated with Customer Number 21971.

All attorneys/agents associated with Customer Number 21971 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 Ross Tye at the address indicated below.

There is an outstanding Office action mailed September 24, 2010, that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Dr. Ross Tye
Orland Urgent Care
1361 Cortina Dr., Suite 100
Orland, CA 95963



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

**FLIESLER MEYER LLP
650 CALIFORNIA STREET
14TH FLOOR
SAN FRANCISCO CA 94108**

**MAILED
JUN 30 2011
OFFICE OF PETITIONS**

In re Application of :
Ross Walden TYE :
Application No. 12/287,558 :
Filed: October 10, 2008 :
Atty. Docket No.: 33482-702.301 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed June 3, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application was held abandoned for failure to reply in a timely manner to the non-final Office action mailed September 24, 2010, which set a shortened statutory period for reply of three (3) months. No reply was sent, and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained. The application became abandoned on December 25, 2010. A Notice of Abandonment was mailed April 22, 2011.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of a Response to the non-final Office action, (2) a petition fee of \$810, and (3) a statement of unintentional delay. The reply to the non-final Office action is accepted as having been unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries regarding this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427).

The application file will be referred to Technology Center Art Unit 1656 for further action on the filed Response.

A handwritten signature in black ink, appearing to read 'Anthony Knight', with a stylized flourish at the end.

Anthony Knight
Director
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

January 27, 2012

FLIESLER MEYER LLP
650 CALIFORNIA STREET
14TH FLOOR
SAN FRANCISCO CA 94108

In re Application of :
Ross Walden Tye : **DECISION ON PETITION**
Application No. 12287558 :
Filed: 10/10/2008 : **ACCEPTANCE OF COLOR**
Attorney Docket No. **IKOR-01000US2** : **DRAWINGS**

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) January 8, 2009.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Laura Feldman/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/287,580	10/10/2008	Harvel K. Crumley	D-7321A	9443
7590		06/10/2011	EXAMINER	
Arthur G. Yeager, P.A.			LAUX, JESSICA L	
Suite 1			ART UNIT	PAPER NUMBER
245 East Adams Street			3635	
Jacksonville, FL 32202-3336			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.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JUN 10 2011

Arthur G. Yeager, P.A.
Suite 1
245 East Adams Street
Jacksonville, FL 32202-3336

In re application of	:	
Harvel K. Crumley	:	
Application No. 12/287,580	:	
Filed: October 10, 2008	:	
For: MASONRY WALL TENSION DEVICE	:	DECISION ON PETITION
AND METHOD FOR INSTALLING	:	TO RESET A PERIOD
SAME	:	FOR REPLY (DEFECTIVE
	:	OFFICE ACTION)

This is in reply to the Petition to Reset a Period for Reply Due to a defect in an Office action, received in the Patent and Trademark Office on December 23, 2010. There is no fee required for this petition.

The petition is **DISMISSED**.

In accordance with MPEP 710.06, the Office will grant a petition to reset the period for reply to run from the date the error is corrected, when an Office action contains some defect and the error is called to the attention of the Office within one month of the mail date of the action. If the error is brought to the attention of the Office greater than one month after the date of the Office action but before the expiration of the reply period, the Office will set a new period for reply, if requested to do so by the applicant, to substantially equal the time remaining in the reply period. Any such reset period being at least one month. If any such error is not brought to the attention of the Office prior to the expiration of the response period, the period will not be restarted and any response would require the appropriate extension fee to be considered timely.

Applicant's petition indicates that an Office action was mailed on October 12, 2010. This action was returned to the Patent Office with a Post Office address sticker showing the forwarded address and including an indication that the time for forwarding has expired. The Patent Office remailed the Office action to the address on the returned correspondence on November 16, 2010. Applicant confirmed that this was received on November 22, 2010. Applicant's petition contends that the Office erred on October 12, 2010 in sending to the mailing address listed and should have mailed the Office action to the address associated with applicant's Customer Number. Applicant provides, as an

attachment to the petition a copy of the original Transmittal that lists both a mailing address and a Customer Number. While these conflicting addresses are confusing, the Office policy is to give preference to the Customer Number over an address that differs from the Customer Number (MPEP 601.03). However, in addition to the above noted Transmittal, the applicant also filed in this application (which is a continuation under 37 CFR 1.53(b)), a copy of the Transmittal and Declaration from the parent application. Both the declaration and Transmittal from the parent application contain only the listed address and no associated Customer Number. Because it is acceptable for an applicant to file a copy of the declaration from the parent application in a Rule 53 continuation (MPEP 602.05(a)), the address on these documents was valid to be used as the proper correspondence address for this application.

Therefore, there was no error on the part of the Office in using the address on the copy of the declaration from the parent application submitted at filing of the continuation. And as a result it is not seen that there is any justification to grant applicant's requested relief of resetting the mail date to run from the remail date of November 16, 2010. The period for response continues to run from the original filing date of October 12, 2010. It is noted that there has never been a valid Change of Correspondence Address filed in this case, and so the official correspondence address remains unchanged. For this decision only a courtesy copy will also be sent to the expired forwarding address.

Applicant's petition to reset the mail date of the October 12, 2010 Office action is **DISMISSED**.

Telephone inquiries relative to this decision should be directed to Special Programs Examiner Steven Meyers at (703) 308-3868.



Kathy Matecki, Director
Patent Technology Center 3600
(571) 272-5250

SM/SM; 6/3/11

SM

Cc: Arthur G. Yeager, P.A.
1301 Riverplace Blvd.
Suite 1916
Jacksonville, FL 32207-9024



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

EDAM LAW PLLC
EDMAR M AMAYA ESQ
INTERAMERICAN PLAZA
701SW 27TH AVE SUITE 707
MIAMI FL 33135

MAILED
MAR 27 2012
OFFICE OF PETITIONS

In re Application of :
Edward Ernest Bailey :
Application No. 12/287,627 : DECISION ON PETITION
Filed: October 10, 2008 :
Attorney Docket No. 2009-00033 :

This is a decision on the petition to revive the above-identified application under 37 CFR 1.137(b), filed February 23, 2012.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." No further petition fee is due for a renewed petition.

Petitioner has not submitted the petition fee in full, and as such, the petition will not be considered on the merits. Effective September 26, 2011, the fee for a petition to revive under 37 CFR 1.137(b) was increased to \$930. Petitioner submitted \$810. Accordingly, before the petition can be considered on the merits, petitioner must submit \$120.

Further correspondence concerning this application should be addressed as follows:

By mail: Mail Stop Petitions
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

By FAX: (571)273-8300
 Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions



FLYNN THIEL BOUTELL & TANIS, P.C.
2026 RAMBLING ROAD
KALAMAZOO MI 49008-1631

MAILED

MAR 16 2011

In re Application of
Marc Scherraus et al.
Application No. 12/287,693
Filed: October 10, 2008
Attorney Docket No. 5000.P0194US

OFFICE OF PETITIONS

:
:
: **DECISION ON PETITION**
: **UNDER 37 CFR 1.78(a)(6)**
:

This is a decision on the petition under 37 CFR 1.78, filed February 4, 2011, to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of prior-filed provisional application 61/001,757, as set forth in the concurrently filed amendment.

The petition is **GRANTED**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

- (1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(iii). Further, the nonprovisional application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. §119(e) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(6) should not be construed as meaning that the instant application is entitled to the benefit of the filing date of the prior-filed application. In order for the instant application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the instant application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed provisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

The application is being forwarded to Technology Center AU 2833 for consideration by the examiner of the claim under 35 U.S.C. §119(e) for the benefit of priority to the prior-filed provisional application.



Chris Bottorff
Supervisor
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Table with 7 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY.DOCKET.NO, TOT CLAIMS, IND CLAIMS. Row 1: 12/287,693, 10/10/2008, 2833, 1350, 5000.P0194US, 14, 2

CONFIRMATION NO. 9671

CORRECTED FILING RECEIPT

23474
FLYNN THIEL BOUTELL & TANIS, P.C.
2026 RAMBLING ROAD
KALAMAZOO, MI 49008-1631



Date Mailed: 03/10/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections

Applicant(s)

Marc Scherraus, Ulm, GERMANY;
Guido Schurr, Huettisheim, GERMANY;

Power of Attorney: The patent practitioners associated with Customer Number 23474

Domestic Priority data as claimed by applicant

This apln claims benefit of 61/001,757 11/02/2007

Foreign Applications (You may be eligible to benefit from the Patent Prosecution Highway program at the USPTO. Please see http://www.uspto.gov for more information.)

GERMANY 10 2007 050 352.2 10/10/2007

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Profile arrangement and method for the manufacture of a profile arrangement

Preliminary Class

200

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).



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

RICHARD L BIGELOW
203 TREMONT STREET
NEWINGTON CT 06111

MAILED

FEB 09 2012

OFFICE OF PETITIONS

In re Application of :
Janet L. Rinaldi :
Application No. 12/287,750 : ON PETITION
Filed: October 14, 2008 :
Attorney Docket No. JLR08001 :

This is a decision on the petition to revive under 37 CFR 1.137(b), filed January 23, 2012.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above application became abandoned for failure to timely file a reply to the non-final Office action mailed March 17, 2011. This Office set a shortened statutory period for reply of three months. No reply having been received, the application became abandoned on June 18, 2011. The Office mailed a Notice of Abandonment on October 7, 2011.

With the instant petition, petitioner has made the proper statement of unintentional delay, paid the petition fee, and submitted the required reply in the form of an Amendment.

The application is being forwarded to Group Art Unit 3632 for consideration of the Amendment, filed January 23, 2012.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : January 12, 2012

In re Application of :

Brian Albrecht

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12287791

Filed : 14-Oct-2008

Attorney Docket No : A-1151-US-CIP2

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed January 12, 2012 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 1624 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)
Application Number	12287791
Filing Date	14-Oct-2008
First Named Inventor	Brian Albrecht
Art Unit	1624
Examiner Name	VENKATARAMAN BALASUBRAMANIAN
Attorney Docket Number	A-1151-US-CIP2
Title	FUSED HETEROCYCLIC DERIVATIVES AND METHODS OF USE

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	/Olga Mekhovich/
Name	Olga Mekhovich
Registration Number	63386



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Joseph Curtis Edmondson
15490 NW Oak Hills Dr
Beaverton OR 97006

MAILED

NOV 15 2010

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Hall et al. :
Application No. 12/287,793 :
Filed: October 14, 2008 :
Title: NETWORK MEDIA INSERTION :
SYSTEM :
:

This is in response to the petition filed September 17, 2010, which is being treated as a request to withdraw the holding of abandonment pursuant to 37 CFR 1.181.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be submitted within two (2) months from the mail date of this decision and be entitled "Renewed Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181." See 37 CFR 1.181(f).

On November 7, 2008, the Office mailed a Notice to File Missing Parts, which set a two month shortened statutory period to reply. An incomplete reply and a one month extension of time was submitted on February 8, 2009. A Notice of Incomplete Reply was mailed on February 27, 2009. An incomplete reply was submitted on March 5, 2009. The application became abandoned on February 8, 2009, for failure to submit a timely complete response to the November 7, 2008 Notice. On September 7, 2010, the Office mailed a Notice of Abandonment.

In the present petition, petitioner requests that the Office withdraw the holding of abandonment because a complete reply was submitted. Petitioner insists that the declaration of the inventors and fifteen claims were presented with three independent claims.

This application was held abandonment on February 8, 2009, because petitioner failed to completely respond to the Notice to File Missing Parts. The Notice to File Missing Parts amongst other things required that applicant present substitute drawings, an executed declaration and additional claim fees. The Notice provided petitioner an extendable two month reply period. Applicant purchased a one month extension of time thus a timely complete reply could be submitted no later than February 8, 2009. The request for a two month extension of time was not successful as the total required fee was \$245.00 and petitioner only provided an additional \$102.00 for a total of \$167.00. Further a general authorization to charge a deposit account was not provided. Payment of a fee by credit card must specify the amount to be charged to the

credit card and such other information as is necessary to process the charge, and is subject to collection of the fee. The Office will not accept a general authorization to charge fees to a credit card. See MPEP 509. Thus, the submission of the incomplete declaration and the claims on March 5, 2009 was untimely.

Petitioner contends that a new set of claims provided on February 2, 2008 were presented thus additional claim fees of \$440.00 is not required. However a review of the claims presented shows that the claims and amendment did not meet the requirements of 37 CFR 1.121(c). As such, the response provided on February 8, 2009 was incomplete. Further, the replacement drawings provided February 8, 2009 do not meet the requirements of 37 CFR 1.121(d). Each drawing sheet submitted after the filing date of an application must be identified as either "Replacement Sheet" or "New Sheet" pursuant to § 1.121(d).

Lastly, a review of the declaration provided on March 5, 2009, shows that a complete declaration not just the pages where the inventors have executed the declaration is required.

In view of the above, the application was properly held abandoned

Petitioner may wish to file a petition under 37 CFR 1.137 (b).

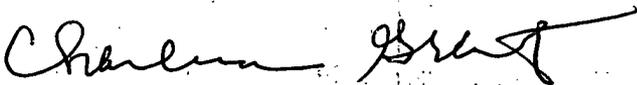
Further correspondence with respect to this matter should be addressed as follows:

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

By hand: Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3215.



Charlema Grant
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Joseph Curtis Edmondson
15490 NW Oak Hills Dr
Beaverton OR 97006

MAILED

AUG 23 2011

In re Application of :
Hall et al. :
Application No.12/287,793 :
Filed: October 14, 2008 :
Attorney Docket Number: PRA 2.001.US :

OFFICE OF PETITIONS

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 10, 2011, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

On November 7, 2008, the Office mailed a Notice to File Missing Parts, which set a two month shortened statutory period to reply. An incomplete reply and a one month extension of time were submitted on February 8, 2009. A Notice of Incomplete Reply was mailed on February 27, 2009. An incomplete reply was submitted on March 5, 2009. The application became abandoned on February 8, 2009, for failure to submit a timely complete response to the November 7, 2008 Notice. On September 7, 2010, the Office mailed a Notice of Abandonment. A petition filed under 37 CFR 1.181 was dismissed on November 15, 2010.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (1).

As to item (1) a review of the drawings shows they do not meet the requirements of 37 CFR 1.121. When the Office receives replacement sheets of drawings for patent applications after the application has been filed, a cover letter identifying the drawings by application number should accompany them. The application number and other identifying indicia should be

placed on each sheet of drawings in accordance with 37 CFR 1.84(c). Each drawing sheet submitted after the filing date of the application must be identified as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d).

Further, the Office is still not in receipt of a completely executed declaration. The Office has only received the signature pages of the declaration.

On renewed petition, replacement drawings and a completely executed declaration is required.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.



Charlema Grant
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

Joseph Curtis Edmondson
15490 NW Oak Hills Dr
Beaverton OR 97006

MAILED
SEP 06 2011

In re Application of	:	OFFICE OF PETITIONS
Hall et al.	:	
Application No.12/287,793	:	ON PETITION
Filed: October 14, 2008	:	
Attorney Docket Number: PRA 2.001.US	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed August 29, 2011, to revive the above-identified application.

The petition is **GRANTED**.

On November 7, 2008, the Office mailed a Notice to File Missing Parts, which set a two month shortened statutory period to reply. An incomplete reply and a one month extension of time were submitted on February 8, 2009. A Notice of Incomplete Reply was mailed on February 27, 2009. An incomplete reply was submitted on March 5, 2009. The application became abandoned on February 8, 2009, for failure to submit a timely complete response to the November 7, 2008 Notice. On September 7, 2010, the Office mailed a Notice of Abandonment. A petition filed under 37 CFR 1.181 was dismissed on November 15, 2010. A petition filed under 37 CFR 1.137(b) was dismissed on August 23, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of declaration, replacement drawings and filing fees (2) the petition fee of \$810, and (3) a statement of unintentional delay.

This application is being referred to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Attorney Advisor
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

The Jackson Patent Group
1500 Forest Avenue, Suite 212
RICHMOND VA 23229

MAILED

DEC 16 2011

In re Application of	:	OFFICE OF PETITIONS
Harding et al.	:	
Application No. 12/287799	:	
Filing or 371(c) Date: 10/14/2008	:	ON PETITION
Patent No. 7858004	:	
Issue Date: 12/28/2010	:	
Title of Invention:	:	
METHOD AND APPARATUS FOR THE	:	
PRODUCTION OF HIGH TENACITY	:	
POLYOLEFIN SHEET	:	

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



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
600 GALLERIA PARKWAY, S.E.
STE. 1500
ATLANTA, GA 30339-5994

MAILED

APR 11 2011

OFFICE OF PETITIONS

In re Application of :
Hsiang-Huang Wu, et. al. :
Application No. 12/287,831 : DECISION ON PETITION
Filed: October 14, 2008 :
Attorney Docket No. 251812-2810 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed March 7, 2011, to revive the above-identified application.

The above application became abandoned for failure to timely respond to the Notice to File Corrected Application Papers mailed December 20, 2010. A Notice of Abandonment was mailed on February 23, 2011.

Since the petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of \$1,510 for payment of the issue fee and \$300 for payment of the publication fee; (2) the petition fee of \$1,620; and (3) a proper statement of unintentional delay, 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



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

OCT 27 2010

OFFICE OF PETITIONS

CISLO & THOMAS, LLP
1333 2ND STREET
SUITE 500
SANTA MONICA, CA 90401-4110

In re Application of	:	
Eric Delabarre	:	
Application No. 12/287,870	:	DECISION ON PETITION
Filed: October 14, 2008	:	TO WITHDRAW
Attorney Docket No. 08-21644	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 13, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Kristin B. Kosinski on behalf of all attorneys of record who are associated with customer No. 25189. All attorneys/agents associated with the Customer Number 25189 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: ERIC DELABARRE
1523 1/2 MONTANA AVENUE
SANTA MONICA, CA 90403



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/287,870	10/14/2008	Eric DelaBarre	08-21644

CONFIRMATION NO. 1017

POWER OF ATTORNEY NOTICE



25189
Cislo & Thomas LLP
1333 2nd Street
Suite #500
Santa Monica, CA 90401-4110

Date Mailed: 10/20/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/13/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Delphi Technologies, Inc.
M/C 480-410-202
P.O. Box 5052
Troy, MI 48007

MAILED
MAR 24 2011
OFFICE OF PETITIONS

In re Application of :
Juergen Grundmeier :
Application No. 12/287,898 : **DECISION REFUSING STATUS**
Filed: October 14, 2008 : **UNDER 37 CFR 1.47(b)**
Attorney Docket No. DP-316515 :

This is in response to the renewed petition under 37 CFR 1.47(b), filed May 17, 2010.

In response to the decision mailed March 15, 2010, petitioner submits the present renewed petition. However, 37 CFR 1.47(b) states in part, "Whenever all of the inventors refuse to execute an application for patent, or cannot be found or reached after diligent effort, a person to whom an inventor has assigned or agreed in writing to assign the invention, or who otherwise shows sufficient proprietary interest in the matter justifying such action, may make application for patent on behalf of and as agent for all the inventors. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage". Therefore, since the present petition fails to contain a statement by Rule 47 applicant that the filing is necessary to preserve the rights of the parties (see MPEP 409.03(g) and/or provide proof that J. Gordon Lewis has sufficient proprietary interest in the subject matter to justify the filing of the application (see MPEP 409.03(f))¹, the petition is again **DISMISSED**.

Also, it is noted that the Oath/Declaration filed on May 17, 2010, is signed by J. Gordon Lewis on behalf of Juergen Grundmeier. Unfortunately, it is noted that the registered

¹ Acceptable proof would include a copy of the employment agreement between the non-signing inventor and the Rule 47(b) applicant (company), a copy of an assignment agreement showing that the invention disclosed in the application is assigned to the Rule 47(b) applicant, or a legal memorandum signed by an attorney familiar with the law of the jurisdiction stating that a court of competent jurisdiction would by the weight of authority in that jurisdiction award the title of the invention to the Rule 47(b) applicant.

attorney did not state that he is authorized to sign on behalf of the corporation², provide proof of the attorney's authority in the form of a statement signed by an appropriate corporate officer nor did the attorney/Rule 47 applicant state his relationship to the inventor as required by 37 CFR 1.64; therefore, the Oath/declaration is not acceptable at this time.

Further, petitioner states "The package containing the application was believed to be duly delivered to the resident at that address. No notice has been received from the German postal authorities advising that the addressee is unknown or delivery has been refused."

The showing currently fails to demonstrate, with a documented showing, that a diligent effort was made to find or locate non-signing inventor Grundmeier, such that the declaration can be accepted under 37 CFR 1.47(b). The petition fails to provide evidence that Mr. Grundmeier received and/or signed for the application papers that were delivered to his last known address. Petitioner should mail the correspondence to the inventor's last known address, return receipt and/or forwarding address requested. If a forwarding address is provided, petitioner should then mail a complete copy of the application papers (specification, claims, drawings, oath, etc.) to Mr. Grundmeier's address, return receipt requested, along with a cover letter of instructions which includes a deadline or a statement that no response will constitute a refusal. If petitioner is in receipt of a copy of the return receipt signed by Mr. Grundmeier from the German Postal Service for the application papers mailed on February 11, 2009, that evidence should be supplied with any renewed petition. This sort of ultimatum lends support to a finding of refusal by conduct. If the papers are returned and all other attempts to locate or reach the inventor, e.g., through personnel records, co-workers, E-mail, the Internet or the telephone, etc., continue to fail, then applicant will have established that the inventor cannot be reached after diligent effort or has refused to join in the application. The statements of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein and should be accompanied by documentary evidence in support of the statement of facts. It is important that the forthcoming communication contain statements of fact as opposed to conclusions.

Where there is an express or oral refusal, that fact, along with the time and place of the refusal, must be stated in an affidavit or declaration by the party to whom the refusal was made. Where there is a written refusal, a copy of the document(s) evidencing that refusal must be made part of the affidavit or declaration.

When it is concluded by the rule 47 applicant that an omitted inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in an affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence must be submitted. Also, whenever an omitted inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

² Where a corporation is the 37 CFR 1.47(b) applicant, an officer (President, Vice-President, Secretary or Treasurer) may sign the oath or declaration. Where an oath or declaration is being signed on behalf of an assignee, note MPEP Section 324, which, however, presupposes that an executed assignment by the inventor has been recorded, or submitted for recordation.

Additionally, the Power of Attorney filed on May 17, 2010, is not acceptable since it appears to be signed on behalf of an assignee that failed to comply with the requirements of 37 CFR 3.73(b). The Power of Attorney form also fails to indicate a correspondence address for the mailing of all future communications from the Office. In order to be acceptable, a proper Power of Attorney or authorization of agent and a Statement under 37 CFR 3.73(b) must be submitted.

Rule 47 applicant is given **TWO (2) MONTHS** from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition under 37 CFR 1.47(b)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: Customer Service Window
 Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By fax: (571) 273-8300
 ATTN: Office of Petitions

Telephone inquiries should be directed to the undersigned at (571) 272-3226.



Andrea Smith
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Delphi Technologies, Inc.
M/C 480-410-202
P.O. Box 5052
Troy, MI 48007

MAILED

JUL 21 2011

OFFICE OF PETITIONS

In re Application of :
Juergen Grundmeier : DECISION REFUSING STATUS
Application No. 12/287,898 : UNDER 37 CFR 1.47(b)
Filed: October 14, 2008 :
Attorney Docket No. DP-316515 :

This is in response to the renewed petition under 37 CFR 1.47(b), filed June 21, 2011 and supplemented on June 30, 2011 and July 19, 2011.

The petition is **GRANTED**.

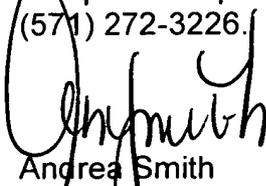
Petitioner has shown that the non-signing inventor cannot be located to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(b). This application is hereby accorded Rule 1.47(b) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application file is being referred to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3226.


Andrea Smith
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Juergen Grundmeier
Weyerstrasse 4
55595 Argenschwang, GERMANY

MAILED

JUL 21 2011

OFFICE OF PETITIONS

In re Application of
Juergen Grundmeier
Application No. 12/287,898
Filed: October 14, 2008
For: ELECTRICAL SWITCHING DEVICE IN A MOTOR VEHICLE HAVING AN ANTI-ESD DEVICE

Dear Mr. Grundmeier:

You are named as a joint inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a sole inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3226. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or (800) 972-6382 (outside the Washington, DC area).

Andrea Smith
Petitions Examiner
Office of Petitions

cc: Delphi Technologies, Inc.
M/C 480-410-202
P.O. Box 5052
Troy MI 48007



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.
12/287,902	10/15/2008	Thomas Zdeblick	PC0000566.03	1222

52196 7590 06/17/2011
Medtronic, Inc (Spinal/Krieg DeVault)
710 Medtronic Parkway
Attn: Legal Patents MS: LC 340
Minneapolis, MN 55432-5604

EXAMINER

PREBILIC, PAUL B

ART UNIT	PAPER NUMBER
3774	

NOTIFICATION DATE	DELIVERY MODE
06/17/2011	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):

rs.docketingspinal@medtronic.com
medtronic_spinal_docketing@cardinal-ip.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Medtronic, Inc (Spinal/Krieg DeVault)
710 Medtronic Parkway
Attn: Legal Patents MS: LC 340
Minneapolis MN 55432-5604

In re Application of: :
ZDEBLICK, THOMAS :
Serial No. 12/287,902 :
Filed: Oct. 15, 2008 : DECISION ON PETITION
Docket: PC0000566.03 : UNDER 37 CFR § 1.181 TO
Title: SPINAL FUSION IMPLANTS AND : WITHDRAW FINAL
TOOLS FOR INSERTION AND : REJECTION
REVISION :

This is a decision on the petition filed June 9, 2011 under 37 CFR 1.181 requesting withdrawal of the finality of the last Office action mailed on May 20, 2011.

The petition is **granted**.

In finding petitioner's points of argument persuasive, the requested relief is granted. As such, the finality of the Office actions issued on May 23, 2011 is premature and the finality of the Office action is hereby withdrawn. The Office action mailed on May 23, 2011 will be designated as a non-final Office action. Since the finality is being withdrawn, any amendment filed in response to the Office action of May 23, 2011 will be treated as a 37 CFR § 1.111 amendment. The period to respond to the last Office action of May 23, 2011 remains unchanged.

The application is being forwarded to the examiner via the Supervisory Patent Examiner of the Art Unit 3774 awaiting the applicant's response to the last Office action. Any inquiry regarding this decision should be directed to Henry C. Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION GRANTED.



Angela D. Sykes, Director
Technology Center 3700



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

XING XIANG LI
9700 GREAT SENECA HIGHWAY
CELLEX SUITE 115
ROCKVILLE, MD 20850

MAILED

DEC 22 2010

OFFICE OF PETITIONS

In re Application of :
Tianxin Wang, et al. :
Application No. 12/287,916 : DECISION ON PETITION
Filed: October 15, 2008 :
Attorney Docket No. :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 15, 2010, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed March 18, 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 May 19, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a reply, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay.

In view of the above, the petition is **GRANTED**.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning 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 appropriate action in the normal course of business on the reply received October 15, 2010.

April M. Wise
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LAW OFFICE OF ROD D. BAKER
707 STATE HIGHWAY 333
SUITE B
TIJERAS, NM 87059-7382

MAILED

NOV 04 2011

OFFICE OF PETITIONS

In re Application of :
Carl Keller :
Application No. 12/287,981 : **DECISION ON PETITION**
Filed: October 15, 2008 :
Attorney Docket No. KELRI-PAT-UT04 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 19, 2011, to revive the above-identified application.

The application became abandoned for failure to file a timely reply to the Notice of Allowance and Fee(s) Due mailed June 24, 2011. A Notice of Abandonment was mailed on October 7, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of \$870 for payment of the issue fee and \$300 for payment of the publication fee; (2) the petition fee of \$930; and (3) a proper statement of unintentional delay. Therefore, 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



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MCCARTER & ENGLISH, LLP BOSTON
265 Franklin Street
Boston MA 02110

MAILED

OCT 11 2011

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Stender et al. :
Application No. 12/288051 :
Filing or 371(c) Date: 10/15/2008 :
Attorney Docket Number: 119880-01004 :

This is a decision on the petition to revive the above-identified application under the unintentional provisions of 37 CFR 1.137(b), filed September 20, 2011.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of January 26, 2011. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). Applicant filed a reply and extension of time on July 25, 2011; however the reply failed to place the application in condition for allowance. Accordingly, the date of abandonment of this application is July 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 a Request for Continued Examination (RCE) and fee (filed August 22, 2011), and the submission required by 37 CFR 1.114 (filed July 25, 2011); (2) the petition fee; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

This application is being referred to Technology Center AU 1634 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment filed July 25, 2011, in accordance with 37 CFR 1.114.

/DLW/

Derek L. Woods
Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**KIRK HERMANN
150 CERRO VISTA WAY
ANAHEIM CA 92807**

MAILED

APR 28 2011

OFFICE OF PETITIONS

In re Application of :
Gupta et al. :
Application No. 12/288,080 : **DECISION ON PETITION**
Filed: October 16, 2008 : **TO WITHDRAW FROM RECORD**
Title: Footwear, Footwear Inserts And Socks :
For Reducing Contact Forces :

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 15, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office 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 Kirk William Hermann on behalf of all attorneys of record. Accordingly, all attorneys/agents of record 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 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: Honey Gupta
15133 Greenleaf Street
Sherman Oaks, CA 91403



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

GREENBERG TRAURIG, LLP
77 WEST WACKER DRIVE
SUITE 3100
CHICAGO IL 60601-1732

MAILED

MAR 25 2011

OFFICE OF PETITIONS

In re Application of :
WITT, et al :
Application No. 12/288,090 :
Filed: October 16, 2008 :
Attorney Docket No: 074387.010600 :

**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 16, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Richard D. Harris on behalf of the attorneys of record associated with Customer No. 34018.

The attorneys of record associated with Customer No. 34018 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/DCG/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc: ERWIN WITT
2920 MALMO DRIVE
ARLINGTON HEIGHTS IL 60005



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
12/288,090	10/16/2008	Erwin Witt	074387.010600

CONFIRMATION NO. 1802

POWER OF ATTORNEY NOTICE



34018
GREENBERG TRAURIG, LLP
77 WEST WACKER DRIVE
SUITE 3100
CHICAGO, IL 60601-1732

Date Mailed: 03/24/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/16/2011.

- 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



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.
12/288,158	10/15/2008	Jisheng Liang	470064.403	1905
25315	7590	08/25/2010	EXAMINER	
BLACK LOWE & GRAHAM, PLLC 701 FIFTH AVENUE SUITE 4800 SEATTLE, WA 98104			HERNDON, HEATHER R	
			ART UNIT	PAPER NUMBER
			2176	
			NOTIFICATION DATE	DELIVERY MODE
			08/25/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing-patent@blacklaw.com
blgdocketing@blacklaw.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

BLACK LOWE & GRAHAM, PLLC
701 Fifth Ave
Suite 4800
Seattle WA 98104

In re Application of:
LIANG, Jisheng et al.
Application No. 12/288,158
Filed: October 15, 2008
For: NLP-BASED ENTITY RECOGNITION
AND DISAMBIGUATION

**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 August 2, 2010, requesting acceptance of color drawings.

The petition requests that the color drawings of Figures 1 and 2 be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. § 1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), explanation why the color drawings are necessary, 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"the file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was filed with the required fee and was filed with three (3) copies of color drawings of Figures 1 and 2. Page 2, lines 2-4, of the specification contains the required notification described above. Additionally, the request for reconsideration provides an explanation why the color drawings are necessary.

Accordingly, the petition is **GRANTED**.

Any inquiry regarding this decision should be directed to Eddie C. Lee at (571) 272-1732.

Eddie C. Lee

Eddie C. Lee
Quality Assurance Specialist, TC 2100
(571) 272-1732



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.
-----------------	-------------	----------------------	---------------------	------------------

12/288,193 10/17/2008 A. Ronald Detweiler MSU-13659 4113

23535 7590 05/18/2011
MEDLEN & CARROLL, LLP
101 HOWARD STREET
SUITE 350
SAN FRANCISCO, CA 94105

EXAMINER

GANEY, STEVEN J

ART UNIT PAPER NUMBER

3752

MAIL DATE DELIVERY MODE

05/18/2011

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.

MEDLEN & CARROLL, LLP
Attention: Peter G. Carroll
101 Howard Street, Suite 350
San Francisco, California 94105

In re Application of: A. Ronald Detweiler)
et al.)
Application No. 12/288,193)
Filed: October 17, 2008) **DECISION ON PETITION UNDER 37**
For: SPREADER APPARATUS FOR) **C.F.R. § 1.84(a)(2) TO ACCEPT**
SAND-BASED FUNGICIDES) **COLOR DRAWINGS**

This is a decision on the petition under 37 C.F.R. § 1.84(a)(2), filed February 19, 2009, requesting acceptance of color drawings. The petition requests that all 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 the required black and white photocopy of Figs. 1, 2, 13, and 14 and the required specific language as stated above in the brief description of drawings.

Accordingly, the petition is GRANTED.

/Len Tran/
S.P.E.
Technology Center 3700
AU 3752
571-272-1184



UNITED STATES 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.

RAYMOND R. MOSER JR., ESQ.
MOSER IP LAW GROUP
1030 BROAD STREET
SUITE 203
SHREWSBURY NJ 07702

MAILED

SEP 30 2010

OFFICE OF PETITIONS

In re Application of :
Michael Marson : DECISION ON PETITION
Application No. 12/288,199 :
Filed: October 17, 2008 :
Attorney Docket No. BLZT0010 :

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED FOR FAILURE TO NOTIFY THE OFFICE OF A FOREIGN OR INTERNATIONAL FILING (37 CFR 1.137(f)) filed May 3, 2010.

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of a foreign or international application, PCT/US2009/060647. This international application, shown in Office records as PCT/US09/60647, was filed on October 14, 2009. However, the US Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the foreign or international application.

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 under 37 CFR 1.137(f) must be accompanied by:

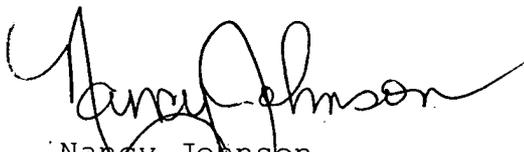
- (1) the reply, which is met by the notification of such filing in a foreign country or under a multinational treaty;
- (2) the petition fee as set forth in 37 CFR 1.17(m); and
- (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(f). Accordingly, the failure to timely notify the Office 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 indicating a projected publication date of January 6, 2011 accompanies this decision on petition.

Technology Center AU 2165 will take further action in this application in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Petitions Attorney
Office of Petitions

Attachment: Communication Regarding Rescission of
Nonpublication Request and/or Notice of Foreign Filing



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
12/288,199	10/17/2008	Michael J. Marson	BLZT0010

CONFIRMATION NO. 2574

NONPUBLICATION RESCISSION
LETTER



54698
RAYMOND R. MOSER JR., ESQ.
MOSER IP LAW GROUP
1030 BROAD STREET
SUITE 203
SHREWSBURY, NJ 07702

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,"¹ then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282.

¹ Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

/nejohnson/

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

**MILLS & ONELLO LLP
ELEVEN BEACON STREET
SUITE 605
BOSTON MA 02108**

MAILED

SEP 07 2010

In re Patent No. 7,705,627 :
Issue Date: April 27, 2010 :
Application No. 12/288,249 :
Filed: October 17, 2008 :
Attorney Docket No. SAM-1307 :

OFFICE OF PETITIONS
ON PETITION

This is a decision on the petition filed July 21, 2010, which is being treated as a request under 37 CFR 3.81(b)¹ to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-2991. 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.


Terri Johnson
Petitions Examiner
Office of Petitions

¹ See MPEP 1309, subsection II; and Official Gazette of June 22, 2004.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

APR 19 2012

OFFICE OF PETITIONS

KLAUS J. BACH & ASSOCIATES
PATENTS AND TRADEMARKS
4407 TWIN OAKS DRIVE
MURRYSVILLE PA 15668

In re Application of :
Brouwer et al. :
Application No.: 12/288321 : DECISION ON
Filing or 371(c) Date: 10/17/2008 : PETITION
Attorney Docket Number: MB 703 :

This is a decision in response to the "Petition for Revival of Abandoned Application Under 37 CFR 1.137(a)," filed March 8, 2012. The petition is properly treated as a petition to withdraw the holding of abandonment based upon failure to receive an Office action under 37 CFR 1.181.

The petition is **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed December 27, 2010. The Office action set a three (3) month period for reply. Extensions of time under 37 CFR 1.136(a) were available. No reply having been received, the application became abandoned on March 28, 2011. A Notice of Abandonment was mailed July 28, 2011.

With the present petition, Applicant has demonstrated non-receipt of the Notice by a preponderance of the evidence¹.

In view of the foregoing, the holding of abandonment is hereby withdrawn. A Corrected Filing Receipt is enclosed.

The petition fee has been refunded to Applicant's deposit account.

The application will be referred to Technology Center Art Unit 4136 for re-mailing of the Office action and re-setting the period for reply.

A copy of the Office action is also enclosed herewith.

¹ Office records reveal that the correspondence address entered into Office records was that of the first-named inventor and not that of the address appearing in the Application Transmittal. Office records have been corrected. Accord 37 CFR 1.33(a)(1) and MPEP 403.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

Enclosures: Corrected Filing Receipt
 Copy of Non-final Office action dated December 27, 2010



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 7 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY. DOCKET NO, TOT CLAIMS, IND CLAIMS. Row 1: 12/288,321, 10/17/2008, 3655, 1090, MB 703, 6, 1

CONFIRMATION NO. 7219

CORRECTED FILING RECEIPT

KLAUS J. BACH & ASSOCIATES
PATENTS AND TRADEMARKS
4407 TWIN OAKS DRIVE
MURRYSVILLE, PA 15668



Date Mailed: 04/11/2012

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)

Markus Brouwer, Stuttgart, GERMANY;
Benjamin Kaehler, Neunkirchen-Seelscheid, GERMANY;
Karl-Ernst Noreikat, Esslingen, GERMANY;

Power of Attorney:

Klaus Bach--26832
Ronald Lombard--28321

Domestic Priority data as claimed by applicant

This appln claims benefit of 61/007,772 12/17/2007

Foreign Applications (You may be eligible to benefit from the Patent Prosecution Highway program at the USPTO. Please see http://www.uspto.gov for more information.)

If Required, Foreign Filing License Granted: 04/10/2012

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 12/288,321

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Hybrid transmission

Preliminary Class

475

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).

SelectUSA

The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation and commercialization of new technologies. The USA offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to encourage, facilitate, and accelerate business investment. To learn more about why the USA is the best country in the world to develop technology, manufacture products, and grow your business, visit SelectUSA.gov.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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.
12/288,321	10/17/2008	Markus Brouwer	MB 703	7219
	7590 12/27/2010			
Markus Brouwer Schwabstrasse 33A Stuttgart, 70197 GERMANY			EXAMINER HLAVKA, DAVID J	
			ART UNIT 4136	PAPER NUMBER
			MAIL DATE 12/27/2010	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.

DETAILED ACTION

1. This is the first Office action on the merits of Application No. 12/288321, filed on 17 October, 2008. Claims 1-6 are pending.

Documents

2. The following documents have been received and filed as part of the patent application:
 - Information Disclosure Statement, received on 24 April 2009.

Claim Rejections - 35 USC § 112

3. 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.

4. Claim 1 is 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.

- Line 35 recites the limitation "a housing structure", which renders the claim indefinite as it appears to be a double inclusion of the housing structure previously recited (i.e., claim 1, line 32).
- Line 9 recites the limitation "the differential drive unit", which renders the claim indefinite as is unclear which of the three differential drive units are being referenced.

5. Claim 1 recites the limitation "the power path" in line 6. There is insufficient antecedent basis for this limitation in the claim.
6. The claims are generally narrative and indefinite, failing to conform to current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. For example, claim 1 line 9 recites the limitation "drive-connected", which should read --driveably connected--.

Claim Rejections - 35 USC § 102

7. 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.

8. Claims 1, 2, 5 and 6, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 7,497,797 to Bucknor et al. (hereinafter referred to as Bucknor).

Claims 1, 2 and 6:

Bucknor discloses a hybrid motor vehicle comprising:

- An input and output shaft (i.e., elements 17 and 19 respectively, Fig. 6a)
- Three differential drive units arranged between the input and output shaft (i.e., elements 527, 537 and 547, Fig. 6a);
- A first transmission element of the first differential drive unit being drive-connected to the transmission input shaft (i.e., element 526, Fig. 6a), a second

Art Unit: 4136

transmission element of the first differential drive unit (i.e., element 524, Fig. 6a) being drive-connected to a first transmission element of the second differential drive unit (i.e., element 530, Fig. 6a), a first transmission element of the third differential drive unit (i.e., element 540, Fig. 6a), a third transmission element of the first differential drive unit (i.e., element 520, Fig. 6a) being drive-connected to a first electric machine (i.e., element 580, Fig. 6a) and drive connectable to a second transmission element of the second differential drive unit (i.e., element 534, Fig. 6a) via a first shift element (i.e., element 550, Fig. 6a), a third transmission element of the second differential (i.e., element 536, Fig. 6a) being drive-connected to a second electric machine (i.e., element 582, Fig. 6a) and drive-connectable to a second transmission element of the third differential unit (i.e., element 550, Fig. 6a) by a second shift element (i.e., element 555, Fig. 6a), a third transmission element of the third differential drive unit (D3) drive-connected to the output shaft (i.e., element 544, Fig. 6a), a third shifting element (i.e., element 557, Fig. 6a) for connecting the second transmission element of the second differential unit (i.e., element 534, Fig. 6a) to a housing structure (i.e., element 560, Fig. 6a), a fourth shift element (i.e., element 558, Fig. 6a) for connecting the second transmission element of the third differential drive unit (i.e., element 546, Fig. 6a) to a housing structure (i.e., element 560, Fig. 6a), and a fifth shift element (i.e., element 554, Fig. 6a) for interconnecting the first transmission element and the second transmission element of the first differential drive unit (i.e., elements 526 and 524 respectively, Fig. 6a);

Art Unit: 4136

- Two brakes (i.e., elements 557 and 558, Fig. 6a) and three clutches (i.e., elements 550, 554 and 555, Fig. 6a) provided as shift elements.

Claim 5:

Bucknor further discloses the hybrid transmission wherein:

- Six forward gears (i.e., F1, F2, F3, Range 2.2, Range 2.3, and Range 2.4, Fig. 6b) and five steplessly variable operating ranges (Range 1.1, Range 1.2, Range 1.3, Range 1.4 and Range 2.1, Fig. 10b) are realized.

Claim Rejections - 35 USC § 103

9. 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.

10. Claim 3, as best understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7,497,797 to Bucknor et al. (hereinafter referred to as Bucknor) in view of U.S. Patent No. 7,597,648 to Conlon et al. (hereinafter referred to as Conlon).

Claim 3:

The Bucknor patent lacks a teaching that a one way clutch unit is provided for coupling the transmission input shaft to a housing structure in such a way that the

internal combustion engine cannot be driven via the input shaft counter to its direction of rotation.

The Conlon patent teaches a one way clutch (i.e., element 66, Fig. 1) that permits the input member (i.e., element 14, Fig.1) to rotate in a positive direction as normally driven by the engine (i.e., element 80, Fig. 1), while preventing the input member from rotating in a negative direction (i.e., column 4, lines 7-10).

Modifying a transmission to include a one way clutch on the input shaft is an efficient and effective means of preventing undesired negative induced rotation on an engine. Thus, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the transmission disclosed by Bucknor to further include a one way clutch directly connected to the input shaft for the benefit of preventing unwanted negative rotation.

11. Claim 4, as best understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7,497,797 to Bucknor et al. (hereinafter referred to as Bucknor) in view of U.S. PG. Publication No. 2005/0113205 to Oguri et al. (hereinafter referred to as Oguri).

Claim 4:

The Bucknor patent lacks a teaching that a one way clutch unit is provided for coupling a transmission element to a housing structure.

Art Unit: 4136

The Conlon patent teaches a one way clutch (i.e., element F1, Fig. 1) that permits a transmission element (i.e., element P1, Fig.1) to rotate in a positive direction (i.e., element 80, Fig. 1), while preventing the input member from rotating in a negative direction (i.e., column 4, lines 7-10).

Modifying a transmission to include a one way clutch to couple a transmission element to a housing structure is an efficient and effective means of preventing undesired negative induced rotation on an element. Thus, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the transmission disclosed by Bucknor to further include a one way clutch directly connected to a transmission element for the benefit of preventing unwanted negative rotation.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Raghavan et al. (U.S. Patent No. 7396305) teaches a hybrid transmission with three differential drive units, at least three clutches, two brakes and two electric motors.
- Tata et al. (U.S. Patent No. 7278940) teaches a hybrid transmission with double planet carrier differential drive units, at least two brakes and three clutches and at least two electric motors.

Art Unit: 4136

- Abe et al. (U.S. Patent No. 7172527) teaches a hybrid transmission with three differential drive units, at least three clutches, two brakes, two electric motors.

Abe et al. further discloses a one way clutch directly connected to a torque converter, which in turn is directly connected to the input shaft.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID J. HLAVKA whose telephone number is (571) 270-3218. The examiner can normally be reached on Monday-Thursday EST, 8:00 AM-5:00 PM Alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on (571) 272-4887. 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). 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.

/David D. Le/
Supervisory Patent Examiner, Art Unit 3655
12/22/2010

/D. J. H./
Examiner, Art Unit 4136

Application/Control Number: 12/288,321
Art Unit: 4136

Page 9



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.
12/288,326 10/17/2008 Werner Eissler MB 719 2616

7590 09/10/2010
KLAUS J. BACH
4407 TWIN OAKS DRIVE
MURRYSVILLE, PA 15668

EXAMINER

DUFF, DOUGLAS J

ART UNIT PAPER NUMBER

3748

MAIL DATE DELIVERY MODE

09/10/2010

PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)
The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Mimi Furness (handwritten signature)

Patent Publication Branch
Office of Data Management

Request sent 09/10/2010 11:00 AM
10/14/2008 TRANSFER 00000000 000-00 12230000
02 001111 548.01 00



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED
DEC 05 2011
OFFICE OF PETITIONS

IVAN DAVID ZITKOVSKY PHD PC
5 MILITIA DRIVE
LEXINGTON MA 02421

In re Application of :
Parsons, et al. :
Application No. 12/288,331 : ON PETITION
Filed: October 18, 2008 :
Attorney Docket No. A2-27US2 :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed November 14, 2011.

The petition is **GRANTED**.

This application was held abandoned for failure to timely file a response to the non-final Office action mailed January 21, 2011. This Office action set a shortened statutory period for reply of three months. No reply having been received, the application became abandoned on April 22, 2011. The Office mailed a Notice of Abandonment on September 7, 2011.

Petitioner states he did not receive the January 21, 2011 Office action.

A review of the Office action reveals that it was properly addressed to the above address of record. Furthermore, a review of the file in the Image File Wrapper confirms that the Office action was returned to the USPTO as "undeliverable" on February 15, 2011. As such, it is obvious that petitioner did not in fact receive the January 21, 2011 Office action, through no fault of his own.

In view thereof, **THE HOLDING OF ABANDONMENT IS WITHDRAWN.**

The application is being forwarded to Group Art Unit 3753 for consideration of the Amendment, filed November 14, 2011.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**AMGEN INC.
MAIL STOP 28-2-C
ONE AMGEN CENTER DRIVE
THOUSAND OAKS CA 91320-1799**

MAILED

JUN 20 2011

OFFICE OF PETITIONS

In re Application of :
Daniel J. Freeman et al. :
Application No. 12/288,341 : **DECISION ON PETITION**
Filed: October 17, 2008 :
Attorney Docket No. A-1374-US-NP :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 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 14, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed January 14, 2011. Accordingly, the date of abandonment of this application is April 15, 2011. A Notice of Abandonment was mailed on April 29, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1,510 and the publication fee of \$300, (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay. Accordingly, the issue and publication fees are accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Office of Data Management for further processing into a patent.

/Kimberly A. Inabinet/

Kimberly A. Inabinet
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/288,349	10/16/2008	Neil Roseman	470064.405	1585
25315	7590	01/28/2011	EXAMINER	
BLACK LOWE & GRAHAM, PLLC			STACE, BRENT S	
701 FIFTH AVENUE			ART UNIT	PAPER NUMBER
SUITE 4800			2161	
SEATTLE, WA 98104			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):

docketing-patent@blacklaw.com
blgdocketing@blacklaw.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

BLACK LOWE & GRAHAM, PLLC
701 FIFTH AVENUE
SUITE 4800
SEATTLE WA 98104

In re Application of:
ROSEMAN, Neil et al.
Application No. 12/288,349
Filed: October 16, 2008
For: **NLP-BASED CONTENT
RECOMMENDER**

**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 12, 2009, requesting acceptance of color drawings.

The petition requests that the color drawings of Figures 1A-4C and 6A-12C be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. § 1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), explanation why the color drawings are necessary, 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"the file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was filed with the required fee and was filed with three (3) copies of color drawings of Figures 1A-4C and 6A-12C. Page 1, lines 20-22 of the specification contains the required notification described above. However, the petition lacks an explanation why the color drawings are necessary.

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



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.
12/288,349	10/16/2008	Neil Roseman	EVRI-1-2405	1585
25315	7590	10/21/2011	EXAMINER	
LOWE GRAHAM JONES, PLLC			STACE, BRENT S	
701 FIFTH AVENUE			ART UNIT	PAPER NUMBER
SUITE 4800			2161	
SEATTLE, WA 98104			NOTIFICATION DATE	DELIVERY MODE
			10/21/2011	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):

docketing-patent@blacklaw.com
blgdocketing@blacklaw.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

BLACK LOWE & GRAHAM, PLLC
701 FIFTH AVENUE
SUITE 4800
SEATTLE WA 98104

In re Application of:
ROSEMAN, Neil et al.
Application No. 12/288,349
Filed: October 16, 2008
For: **NLP-BASED CONTENT
RECOMMENDER**

**DECISION ON PETITION
UNDER 37 C.F.R. § 1.84(a)(2)
TO ACCEPT COLOR
DRAWINGS**

This is a decision on the renewed petition under 37 C.F.R. § 1.84(a)(2), filed on September 23, 2011, requesting acceptance of color drawings.

The renewed petition requests that the color drawings of Figures 1A-4C and 6A-12C be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. § 1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), explanation why the color drawings are necessary, 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"the file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was filed with the required fee and was filed with three (3) copies of color drawings of Figures 1A-4C and 6A-12C. Page 1, lines 20-22 of the specification contains the required notification described above.

Accordingly, the petition is **GRANTED**.

Any inquiry regarding this decision should be directed to Eddie C. Lee at (571) 272-1732.

Eddie C. Lee

Eddie C. Lee
Quality Assurance Specialist, TC 2100



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PERKINS COIE, LLP
PO BOX 1208
SEATTLE, WA 98111-1208

MAILED

AUG 23 2010

In re Application of
Michael K. Madison, III, et al.
Application No. 12/288,350
Filed: October 16, 2008
Attorney Docket No. 658418001US01

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 July 28, 2010.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The Office will no longer accept address changes to a new practitioner of law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest whose properly became of record under 37 CFR 3.71 or, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request does not include an acceptable current correspondence address for future communications from the Office.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD, MA 01742-9133

MAILED
DEC 01 2010
OFFICE OF PETITIONS

In re Application of	:	
WALDMAN, David A. et al.	:	
Application No. 12/288,357	:	DECISION ON PETITION
Filed: October 17, 2008	:	TO WITHDRAW
Attorney Docket No. 87495(301691)	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 10, 2010.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Glenn Patent Group has been revoked by the assignee of the patent application on November 11, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-4231.


Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **EDWARDS ANGELL PALMER & DODGE LLP**
P.O. BOX 55874
BOSTON MA 02205



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD, MA 01742-9133

MAILED

DEC 20 2010

OFFICE OF PETITIONS

In re Application of	:	
WALDMAN, David A. et al.	:	CORRECTED
Application No. 12/288,357	:	DECISION ON PETITION
Filed: October 17, 2008	:	TO WITHDRAW
Attorney Docket No. 87495(301691)	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 10, 2010.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Hamilton, Brook, Smith & Reynolds, P.C. has been revoked by the assignee of the patent application on November 11, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-4231.


Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **EDWARDS ANGELL PALMER & DODGE LLP**
P.O. BOX 55874
BOSTON MA 02205



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

THE JACKSON PATENT GROUP
1500 FOREST AVENUE, SUITE 212
RICHMOND, VA 23229

MAILED

AUG 06 2010

In re Application of	:	OFFICE OF PETITIONS
John M. Davis et al	:	
Application No. 12/288,427	:	DECISION ON PETITION
Filed: October 20, 2008	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 1934(ILJ)	:	

This is a decision on the petition, filed July 15, 2010 under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on June 24, 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 accompanies this decision on petition.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This application is being referred to Technology Center AU 3736 for further processing.


Irvin Dingle
Petition Examiner
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/288,427	10/20/2008	John M. Davis	1934(ILJ)

CONFIRMATION NO. 7050

NONPUBLICATION RESCISSION
LETTER

30010
The Jackson Patent Group
1500 Forest Avenue, Suite 212
RICHMOND, VA 23229



OC00000042929579

Date Mailed: 08/06/2010

**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 11/11/2010.

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".

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



**ROPES & GRAY LLP
IPRM - FLOOR 43
PRUDENTIAL TOWER
800 BOYLSTON STREET
BOSTON MA 02199-3600**

**MAILED
OCT 12 2010
OFFICE OF PETITIONS**

In re Application of :
VON RECHENBERG, Moritz et al. :
Application No. 12/288,458 : **DECISION ON PETITION**
Filed: October 20, 2008 : **TO WITHDRAW**
Attorney Docket No. **107788-0006-102** : **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 September 02, 2010.

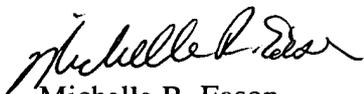
The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request does not include an acceptable current correspondence address for future communications from the Office.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.



Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **BALLARD SPAHR LLP**
SUITE 1000
999 PEACHTREE STREET
ATLANTA, GA 30309-3915



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**ROPES & GRAY LLP
IPRM - Floor 43
PRUDENTIAL TOWER
800 BOYLSTON STREET
BOSTON MA 02199-3600**

**MAILED
DEC 01 2010
OFFICE OF PETITIONS**

In re Application of :
VON RECHENBERG, Moritz et al. :
Application No. 12/288,458 :
Filed: October 20, 2008 :
Attorney Docket No. **107788-0006-102** :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 29 2010.

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

Therefore, as there is currently no statement under 37 CFR 3.73(b) of record in the instant application, the Office cannot change the correspondence address to the address on the Request for Withdrawal.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.



Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **PROLEXYS PHARMACEUTICALS INC.**
2150 WEST DAUNTLESS AVENUE
SALT LAKE CITY, UTAH 84116



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**ROPES & GRAY LLP
IPRM - FLOOR 43
PRUDENTIAL TOWER
800 BOYLSTON STREET
BOSTON MA 02199-3600**

**MAILED
JAN 31 2011
OFFICE OF PETITIONS**

In re Application of	:	
VON RECHENBERG, Moritz et al.	:	
Application No. 12/288,458	:	DECISION ON PETITION
Filed: October 20, 2008	:	TO WITHDRAW
Attorney Docket No. 107788-0006-102	:	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 December 30, 2010.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Ropes & Gray LLP has been revoked by the assignee of the patent application on January 25, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272- 4231.


Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **BALLARD SPAHR LLP
SUITE 1000
999 PEACHTREE STREET
ATLANTA GA 30309-3915**



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DW Oct-10

KENT R. MOORE, ESQ.
P.O. BOX 1026
HIXSON TN 37343

MAILED

OCT 12 2010

OFFICE OF PETITIONS

In re Application of :
Ed McMahon : DECISION ON PETITION
Application Number: 12/288498 :
Filing Date: 10/21/2008 :
For: RECOVERY OF HIGH VALUE :
RUBBER FROM TIRES :

This is a decision on the twice renewed petition filed on July 22, 2010 (certificate of mailing date July 17, 2010), under 37 CFR 1.137(a), to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on January 14, 2009, for failure to timely file a response to the Notice to File Missing Parts of Nonprovisional Application mailed on November 13, 2008, which set a two (2)-month shortened statutory period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on July 24, 2009. The petition filed on October 15, 2009, was dismissed on December 17, 2009. The renewed petition filed on February 19, 2010, was dismissed on May 17, 2010.

The application is restored to pending status.

Receipt of the declaration, surcharge, and replacement drawings is acknowledged.

The application is referred to the Office of Patent Application Processing for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.


Douglas I. Wood
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Robert N. Rountree
70360 Highway 69
Cotopaxi, CO 81223

MAILED

JAN 12 2012

OFFICE OF PETITIONS

In re Application of Rountree :
Application No. 12/288,508 : Decision on Petition
Filing Date: October 20, 2008 :
Attorney Docket No. RR-007 :

This is a decision on the petition under 37 CFR 1.137(b) filed November 26, 2011, which requests revival of the application.

The petition is **DISMISSED**.

Any request for reconsideration must be submitted within **TWO (2) MONTHS** from the mail date of this decision, and should include a cover letter titled "Renewed Petition under 37 CFR 1.137(b)." Extensions of time under 37 CFR 1.136(a) are permitted.

The above-identified application became abandoned for failure to reply in a timely manner to the final Office action mailed September 28, 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 December 29, 2010. The Office mailed a Notice of Abandonment on May 4, 2011.

The petition requests revival of the application pursuant to 37 CFR 1.137(b).

The merits of a petition will not be considered absent payment of the required petition fee. Petitioner has submitted \$810 for the fee. However, the required petition fee has been \$930 since September 26, 2011. Therefore, the merits of the petition will not be considered at this time and the petition is dismissed.

If Petitioner wishes for the Office to consider the merits of the petition, a request for reconsideration and a payment of \$120 should be timely filed in response to the instant decision.

Further correspondence with respect to this matter may be submitted as follows:

By facsimile: (571) 273-8300
Attn: Office of Petitions

By Internet: A request for reconsideration may be filed electronically using EFS Web.¹
Document Code "PET.OP" should be used if the request is filed electronically.

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By hand: U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries regarding this communication should be directed to Petitions Attorney
Steven Brantley at (571) 272-3203.



Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

¹ General Information concerning EFS Web can be found at <http://www.uspto.gov/patents/process/file/efs/index.jsp>.



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.
12/288,547	10/20/2008	Erkki Ruoslahti	066821-0406	6961
7590		10/05/2011	EXAMINER	
JONES DAY			YAO, LEI	
222 EAST 41ST ST			ART UNIT	PAPER NUMBER
NEW YORK, NY 10017			1642	
			MAIL DATE	DELIVERY MODE
			10/05/2011	PAPER

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

October 4, 2011

JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017

In re Application of :
Erkki Ruoslahti et al. : **DECISION ON PETITION**
Application No. 12288547 :
Filed: 10/20/2008 : **ACCEPTANCE OF COLOR**
Attorney Docket No. 066821-0406 : **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 contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Laura Feldman/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**STOEL RIVES LLP - SLC
201 SOUTH MAIN STREET, SUITE 1100
ONE UTAH CENTER
SALT LAKE CITY UT 84111**

**MAILED
MAY 09 2011
OFFICE OF PETITIONS**

In re Application of :
Dominick O'Reilly, et al. :
Application No. 12/288,568 : **ON PETITION**
Filed: October 22, 2008 :
Attorney Docket No. 43271/1.3 :

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 **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 9, 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) was obtained. Accordingly, the application became abandoned on June 10, 2010. The Notice of Abandonment was mailed September 27, 2010.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (1).

The proposed reply required for 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). The amendment filed herewith petition *does not* prima facie place the application in condition for allowance.

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) 272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

Enclosed: Examiner's Advisory Action PTOL-303

Advisory Action Before the Filing of an Appeal Brief	Application No. 12/288,568	Applicant(s) O'REILLY, DOMINICK	
	Examiner Jiping Lu	Art Unit 3743	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 March 2011 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) The period for reply expires 3 months from the mailing date of the final rejection.
b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) They raise new issues that would require further consideration and/or search (see NOTE below);
(b) They raise the issue of new matter (see NOTE below);
(c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. Applicant's reply has overcome the following rejection(s): _____.
6. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1,3,4,7-11,13-16,18 and 19.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. Other: _____.

/Jiping Lu/
Primary Examiner
Art Unit: 3743

Continuation of 3. NOTE: the proposed amendments to claims 1, 15, 18 change the claimed scope of finally rejected claims and would require further consideration and/or search.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

STOEL RIVES LLP - SLC
201 SOUTH MAIN STREET, SUITE 1100
ONE UTAH CENTER
SALT LAKE CITY UT 84111

MAILED

JUL 12 2011

OFFICE OF PETITIONS

In re Application of :
Dominick O'Reilly :
Application No. 12/288,568 : **ON PETITION**
Filed: October 22, 2008 :
Attorney Docket No. 43271/1.3 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed June 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 March 9, 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 June 10, 2010. The Notice of Abandonment was mailed September 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 a Request for Continued Examination (RCE) and fee of \$405, and the submission required by 37 CFR 1.114; (2) the petition fee of \$810; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-2991.

This application is being referred to Technology Center AU 3743 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PERKINS COIE LLP
P.O. BOX 1208
SEATTLE, WA 98111-1208

MAILED
DEC 06 2010
OFFICE OF PETITIONS

In re Application of :
Farrokh Farrokhi, et al. :
Application No. 12/288,569 :
Filed: October 20, 2008 :
Attorney Docket No. 63832-8016.US01 :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 2, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Jordan M. Becker 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/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Quantenna Communications, Inc.**
3450 W. Warren Avenue
Fremont, CA 94538



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
12/288,569	10/20/2008	Farrokh Farrokhi	63832-8016.US01

CONFIRMATION NO. 9854

POWER OF ATTORNEY NOTICE



Date Mailed: 12/02/2010

22918
PERKINS COIE LLP
P.O. BOX 1208
SEATTLE, WA 98111-1208

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/02/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tsjohnson/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**SHEPPARD, MULLIN, RICHTER
& HAMPTON LLP**
379 Lytton Avenue
Palo Alto, CA 94301

MAILED

JAN 03 2012

OFFICE OF PETITIONS

In re Application of :
Farrokh Farrokhi, et al. :
Application No. 12/288,569 : **DECISION ON PETITION**
Filed: October 20, 2008 : **TO WITHDRAW**
Attorney Docket No. 25DX-159232 : **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 21, 2011.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Sheppard, Mullin, Richter & Hampton LLP has been revoked by the assignee of the patent application on October 22, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Terri Johnson at 571-272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **IP CREATORS**
P.O. 2789
Cupertino, CA 95015

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:	12/288,602	Filing date:	October 22, 2008
-----------------	------------	--------------	------------------

First Named Inventor:	Dieter Guldenfels
-----------------------	-------------------

Title of the Invention:	CLEANING-IN-PLACE SYSTEM
-------------------------	--------------------------

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/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/EP2009/063887

The international filing date of the corresponding PCT application(s) is/are: October 22, 2009

I. List of Required Documents:

a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)

- Is attached
- Is not attached because the document is already in the U.S. application.

b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).

- Is attached.
- Is not attached because the document is already in the U.S. application.

c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.

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.: 12/288,602

First Named Inventor: Dieter Guldenfels

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 Nov. 24, 2008 and Jan. 6, 2011

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

 Are attached. Have already been filed in the above-identified U.S. application on January 6, 2011**II. Claims Correspondence Table:**

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-10	n/a	Canceled from U.S. Application; See Preliminary Amendment filed February 14, 2011
11	1	See Preliminary Amendment filed February 14, 2011
12	2	See Preliminary Amendment filed February 14, 2011
13	3	See Preliminary Amendment filed February 14, 2011
14	4	See Preliminary Amendment filed February 14, 2011
15	5	See Preliminary Amendment filed February 14, 2011
16	6	See Preliminary Amendment filed February 14, 2011
17	7	See Preliminary Amendment filed February 14, 2011
18	8	See Preliminary Amendment filed February 14, 2011
19	9	See Preliminary Amendment filed February 14, 2011
20	10	See Preliminary Amendment filed February 14, 2011

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Alfonzo I. Cutaia #60,070/	Date February 14, 2011
Name (Print/Typed) Alfonzo I. Cutaia	Registration Number 60,070

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/288,602	10/22/2008	Dieter Guldenfels	031529.00138	7224
26712	7590	03/23/2011	EXAMINER	
HODGSON RUSS LLP THE GUARANTY BUILDING 140 PEARL STREET SUITE 100 BUFFALO, NY 14202-4040			BOWES, STEPHEN M	
			ART UNIT	PAPER NUMBER
			3657	
			MAIL DATE	DELIVERY MODE
			03/23/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HODGSON RUSS LLP
THE GUARANTY BUILDING
140 PEARL STREET
SUITE 100
BUFFALO NY 14202-4040

In re application of
 Guldenfels et al.
Application No. 12/288,602
Filed: October 22, 2008
For: CLEANING-IN-PLACE SYSTEM

: **DECISION ON REQUEST TO**
: **PARTICIPATE IN PATENT**
: **PROSECUTION HIGHWAY**
: **PROGRAM AND PETITION**
: **TO MAKE SPECIAL UNDER**
: **37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed February 14, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the 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 the request to participate in the PPH 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

MB/MB: 03/22/11



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DOONAN DWIGHT MCGRAW
245 SAINT JAMES WAY
NAPLES FL 34104-6775

MAILED
MAR 15 2012
OFFICE OF PETITIONS

In re Application of :
BARBER :
Application No. 12/288,611 :
Filed: October 22, 2008 :
Attorney Docket No. D-718-B :
: **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 February 3, 2012, 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 made by registered attorney Doohan Dwight McGraw, which will be treated as the result of the attorney having evidence that at least one of the applicants is 65 years of age or more. In the event that such evidence is not with the attorney, the Office should be notified immediately. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to 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>.

The application is being referred to Technology Center Art Unit 3749 for action on the merits commensurate with this decision.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**CAESAR, RIVISE, BERNSTEIN,
COHEN & POKOTILOW, LTD.
11TH FLOOR, SEVEN PENN CENTER
1635 MARKET STREET
PHILADELPHIA PA 19103-2212**

MAILED

NOV 18 2010

OFFICE OF PETITIONS

In re Application of :
Peter B. Tilles et al. :
Application No. 12/288,634 : **DECISION ON PETITION**
Filed: October 21, 2008 :
Attorney Docket No. **M1294/20004** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 15, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action initially mailed, June 09, 2009 which set a shortened statutory period for reply of three (3) months. A letter restarting the time period for reply was mailed on June 22, 2009. Accordingly, a reply was due on or before September 22, 2009. A three (3)-month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on December 23, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a continuing application under 37 CFR 1.53(b); (2) the petition fee of \$810; and (3) a proper statement of unintentional delay.

This application is being revived solely for purposes of continuity. As continuity has been established by this decision, the application is again abandoned in favor of continuing application No. 12/815,966.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571) 272-2783.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**Heidi Faivre
PO BOX 5743
WILLIAMSBURG VA 23188**

MAILED

MAY 19 2011

OFFICE OF PETITIONS

In re Application of :
Ravi Vijay Shamaingar :
Application No. 12/288,647 : **DECISION ON PETITION**
Filed: October 22, 2008 :
Attorney Docket No. 2007-RVSMD1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 22, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice of File Corrected Application Papers, mailed November 20, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 21, 2009. The Notice of Abandonment was mailed on October 30, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings, (2) the petition fee of \$810, (3) a proper statement of unintentional delay. Accordingly the replacement drawings are accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the replies received April 22, 2011.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



CHARLES E. BAXLEY, ESQ.
90 JOHN STREET
THIRD FLOOR
NEW YORK NY 10038

MAILED

MAY 09 2011

OFFICE OF PETITIONS

In re Application of :
Shi Ming Liou :
Application No. 12/288,667 :
Filed: October 22, 2008 :
Attorney Docket No.: 17851 B (6014 CG) :

ON PETITION

This is a decision on the petition filed April 12, 2011 under 37 CFR 1.137(b),¹ to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the non-Final Office Action mailed March 5, 2010. A shortened statutory period of three months was set for replying to the non-Final Office Action. No extensions of time having been requested prior to the expiration of the application, this application became abandoned June 8, 2010. Accordingly, the Notice of Abandonment was mailed September 14, 2010.

This matter is being referred to Technology Center 3765 for appropriate action on the amendment filed April 12, 2011.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

¹ Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JAMES D FORNARI
C/O GERSTEN SAVAGE LLP
600 LEXINGTON AVENUE
NEW YORK NY 10022

MAILED
MAR 30 2012
OFFICE OF PETITIONS

In re Application of :
Michael Herman :
Application No. 12/288,708 : DECISION ON PETITION
Filed: October 22, 2008 :
Attorney Docket No. 1280.002 UTAPP :

This is a decision on the petition to revive the above-identified application under 37 CFR 1.137(b), filed March 12, 2012.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." No further petition fee is due for a renewed petition.

Petitioner has not submitted the petition fee in full, and as such, the petition will not be considered on the merits. Effective September 26, 2011, the fee for a petition to revive under 37 CFR 1.137(b) was increased to \$930. Petitioner submitted \$810. No authorization to charge any additional fees to a deposit account was present. Accordingly, before the petition can be considered on the merits, petitioner must submit \$120.

Further correspondence concerning this application should be addressed as follows:

By mail: Mail Stop Petitions
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

By FAX: (571)273-8300
 Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WEIDE & MILLER, LTD.
7251 W. LAKE MEAD BLVD.
SUITE 530
LAS VEGAS NV 89128

MAILED
NOV 17 2010
OFFICE OF PETITIONS

In re Application of :
Brunetti, Sam F. : **DECISION ON PETITION**
Application No. 12/288,777 : **TO WITHDRAW**
Filed: October 22, 2008 : **FROM RECORD**
Attorney Docket No. IRAM.0001P :

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 26, 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 R. Scott Weide on behalf of all attorneys/agents of record who are associated with Customer Number 32856. All attorneys/agents associated with Customer Number 32856 have been withdrawn. Applicants are reminded that there is no attorney of record at this time.

All future correspondence will be directed to the assignee, International RAM Associates, at the address indicated below.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Liana Walsh
Petitions Examiner
Office of Petitions

cc: CHRIS MASHBURN
INTERNATIONAL RAM ASSOCIATES
3500 COMSOUTH DRIVE
AUSTIN TX 78744



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.
12/288,791	10/23/2008	Viktor Kuvshinov	KUVSHINOV 4 DIV	5010
7590 Dodds and Associates 1707 N St. NW Washington, DC 20036		02/09/2011	EXAMINER HWU, JUNE	
			ART UNIT	PAPER NUMBER
			1661	
			MAIL DATE	DELIVERY MODE
			02/09/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

February 9, 2011

Dodds and Associates
1707 N St. NW
Washington DC 20036

In re Application of :
Kuvshinov, Viktor et, el :
Application No. 12/288,791 :
Filed: 10/23/2008 :
Attorney Docket No. KUVASHINOV 4 DIV :

DECISION ON PETITION

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) August 24, 2010.

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/288,791	10/23/2008	Viktor Kuvshinov	KUVSHINOV 4 DIV	5010
	7590	02/14/2011	EXAMINER	
Dodds and Associates 1707 N St. NW Washington, DC 20036			HWU, JUNE	
			ART UNIT	PAPER NUMBER
			1661	
			MAIL DATE	DELIVERY MODE
			02/14/2011	PAPER

ACKNOWLEDGEMENT OF REQUEST
Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

February 14, 2011

Dodds and Associates
1707 N St. NW
Washington DC 20036

In re Application of :
Kuvshinov, Viktor et, el : **DECISION ON PETITION**
Application No. 12/288,791 :
Filed: 10/23/2008 : **ACCEPTANCE OF COLOR**
Attorney Docket No. KUVASHINOV 4 DIV : **DRAWINGS**

This Petition voids the Petition that was DISMISSED on 02/09/2011.

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 24, 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 contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Diane Terry/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MARTIN G. OZINGA
PHILLIPS MURRAH, PC
CORPORATE TOWER, 13TH FLOOR
101 N. ROBINSON AVENUE
OKLAHOMA CITY, OK 73102

MAILED

JUN 27 2011

OFFICE OF PETITIONS

In re Application of :
George W. Love :
Application No. 12/288,797 : DECISION ON PETITION
Filed: October 23, 2008 :
Attorney Docket No. 23181.29002 :

This is a decision on the petition, filed April 8, 2011, which is being treated as a petition under 37 CFR 1.181 (no fee), requesting withdrawal of the holding of abandonment in the above-identified application or in the alternative a petition under the unintentional provisions of 37 CFR 1.137(b), filed April 8, 2011, to revive the above-identified application..

The petition under 37 CFR 1.181 is **GRANTED**.

The petition filed under 37 CFR 1.137(b) is **DISMISSED**.

This application was held abandoned for failure to timely respond to the Office action of July 6, 2010, which set a three (3) month shortened statutory period for reply. A reply was due on or before October 6, 2010.

As to the petition filed under 37 CFR 1.181:

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 September 21, 2010 of, *inter alia*, an amendment with response and a transmittal page that includes an authorization to charge the petitioner's deposit account. A copy of the previously submitted reply accompanies the petition.

The post card acknowledged as having been received in the USPTO on September 21, 2010 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 amendment with response 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.

As to the petition filed under 37 CFR 1.137(b):

The petition filed under 37 CFR 1.137(b) is hereby dismissed as moot.

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 September 21, 2010.

Telephone inquiries concerning this decision should be directed to April M. Wise at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to Technology Center.

This application is being referred to Technology Center AU 1776 for appropriate action in the normal course of business on the reply received with petition.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

MAR 16 2012

OFFICE OF PETITIONS

DLA PIPER US LLP
2000 Avenue of the Stars
SUITE 400 North Tower
LOS ANGELES CA 90067-4704

In re Patent No. 8,052,371 :
Issue Date: November 8, 2011 :
Application No. 12/288,839 : NOTICE
Filed: October 23, 2008 :
Attorney Docket No. 374758-000010 :

This is in response to the paper filed March 1, 2012, under 37 CFR 1.27(c) seeking status as a small entity.

The statement again claiming small entity status of March 1, 2012 has been made of record and small entity status has been accorded.

It appears that a refund in the amount of \$1,510 was processed on March 12, 2012. If this not correct please contact me at the number below.

The application file is being forwarded to Files Repository.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/288,887	10/24/2008	Aladar A. Szalay	33316.00117.US02 /117	4870

13565 7590 06/29/2011
McKenna Long & Aldridge LLP
4435 Eastgate Mall
Suite 400
San Diego, CA 92121

EXAMINER

HUMPHREY, LOUISE WANG ZHIYING

ART UNIT	PAPER NUMBER
----------	--------------

1648

MAIL DATE	DELIVERY MODE
-----------	---------------

06/29/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND
TRADEMARK OFFICE

JUN 29 2011

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

McKenna Long & Aldridge LLP
4435 Eastgate Mall
Suite 400
San Diego CA 92121

In re Application of:
Szalay et al.
Serial No.: 12/288,887
Filed: October 24, 2008
Attorney Docket No: **33316.00117.US02**
/117

:
:
: PETITION DECISION
:
:

This is in response to the petition filed on June 1, 2011 under 37 CFR 1.181 to correct the misclassification of submitted Information Disclosure Statements. Specifically, applicants request correction of the classification in PAIR of the Information Disclosure Statements submitted on February 19, 2009; December 10, 2009; and July 9, 2010 in connection with the above-referenced application and consideration by the Examiner of the documents and information contained therein.

Applicants argue the "Information Disclosure Statements were submitted in connection with the above-captioned application on February 19, 2009; December 10, 2009; and July 9, 2010. Each Information Disclosure Statement was prepared in accordance with 37 C.F.R 1.97 and 1.98. As required under 37 C.F.R 1.98, each Information Disclosure Statement contained 1) a list of all patents, publications, applications, or other information submitted for consideration by the Office, including a column that provides a space next to each document to be considered, for the examiner's initials and a heading that clearly indicates that the list is an Information Disclosure Statement; and 2) legible copies of all items listed. The items either were in English or a translation was provided. A copy of the misclassified Information Disclosure Statements filed on February 19, 2009; December 10, 2009; and July 9, 2010 is attached.

The submitted Information Disclosure Statement included a tabular Form PTO-1449, which was classified as an "IDS," and a written disclosure of information. In each instance, the written disclosure of information was misclassified in PAIR as a "Transmittal Letter" (February 19, 2009, "Transmittal Letter" of 6 pages; December 10, 2009, "Transmittal Letter" of 3 pages; and July 9, 2010, "Transmittal Letter" of 2 pages). Consequently the information contained therein may not be considered or reviewed by the Examiner."

Applicants' argument has been accorded careful consideration and is persuasive. PAIR will be corrected to reflect the misclassification of the submitted Information Disclosure Statements of February 19, 2009; December 10, 2009; and July 9, 2010.

DECISION

The petition is **GRANTED**.

Should there be any questions about this decision please contact Marianne C. Seidel, by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600



UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/288,930	10/24/2008	Sathish Puthigac	AJPARK44.001AUS	8873
20995	7590	04/12/2012	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			O HARA, EILEEN B	
			ART UNIT	PAPER NUMBER
			1638	
			NOTIFICATION DATE	DELIVERY MODE
			04/12/2012	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):

jcartere@kmob.com
efiling@kmob.com
eOAPilot@kmob.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

April 11, 2012

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

In re Application of :
PUTHIGAE, SATHISH, et, al : **DECISION ON PETITION**
Application No. 12/288,930 :
Filed: 10/24/2008 :
Attorney Docket No. AJPARK44.001AUS :

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 24, 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

DEC 10 2010

OFFICE OF PETITIONS

**ALEX RHODES
UNIT NO. 9
50168 PONTIAC TRAIL
WIXOM, MI 48393**

In re Application of
Fedchun et al.
Application No. 12/288,936
Filed: October 25, 2008
Attorney Docket No. 1729-008

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Corrected Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 12, 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 Alex Rhodes, on behalf of the practitioners of record associated with Customer Number 26824.

Customer Number 26824 has been withdrawn as attorney of record. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There is an outstanding Office action, mailed December 6, 2010, requires a reply from the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.


Alicia Kelley
Petitions Examiner
Office of Petitions

cc: VLADIMIR A. FEDCHUN¹
30310 W. 12 MILE ROAD
SOUTHFIELD, MI 48334

¹ Corrected: The petition decision mailed July 22, 2010 incorrectly listed an Apt. No. and Farmington Hills as the City for the first named inventor, instead of the proper City of Southfield.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DW Jun-11

VLADIMIR A. FEDCHUN
30310 W. 12 MILE ROAD
SOUTHFIELD MI 48334

MAILED

JUN 14 2011

OFFICE OF PETITIONS

In re Application of :
Fedchun et al. :
Application Number: 12/288,936 : DECISION ON PETITION
Filing Date: 10/25/2008 :
Attorney Docket Number: 1729- :
008 :

This is a decision on the PETITION UNDER 37 CFR § 1.183 TO ACCEPT POWER OF ATTORNEY SIGNED BY LESS THAN ALL APPLICANTS, filed on May 5, 2011, which is treated as a petition requesting acceptance of a power of attorney made on behalf of less than all the named inventors.

The petition is **DISMISSED**.

On October 25, 2008, a declaration under 37 CFR 1.63 was filed, naming Vladimir A. Fedchun and Gregory Vartanov as joint inventors. Also, on October 25, 2008, a power of attorney to the practitioners associated with Customer Number 26824, signed by both inventors, was filed.

On December 6, 2010, a non-final Office action was mailed, setting a three (3)-month shortened statutory period for reply.

On December 10, 2010, a decision was mailed granting a petition to withdraw as attorney or agent of record.

On December 28, 2010, a power of attorney and change of correspondence address signed only by joint inventor Fedchun was filed.

On January 5, 2011, a Denial of Request For Power of Attorney was mailed, stating that the power of attorney could not be accepted because the signature of joint inventor Gregory Vartanov had been omitted.

On May 5, 2011, the subject petition was filed, signed by registered patent practitioner James F. Kamp, Reg. No. 41,882, of Rader, Fishman & Grauer LLP (Customer Number 10,291) was filed. Also, on May 5, 2011, a reply to the Office action mailed on December 6, 2010, was filed.

The petition asserts that inventor Fedchun assigned his entire right, title, and interest in the pending application to Innovative Steel and Alloys, Inc. ("Innovative Steel") and that a dispute has arisen between Innovative Steel and inventor Vartanov.

MPEP 402.10 states, in pertinent part:

Papers giving or revoking a power of attorney in an application generally require signature by all the applicants or owners of the application. Papers revoking a power of attorney in an application (or giving a power of attorney) will not be accepted by the Office when signed by less than all of the applicants or owners of the application unless they are accompanied by a petition under 37 CFR 1.36(a) and fee under 37 CFR 1.17(f) with a showing of sufficient cause (if revocation), or a petition under 37 CFR 1.183 and fee under 37 CFR 1.17(f) (if appointment) demonstrating the extraordinary situation where justice requires waiver of the requirement of 37 CFR 1.32(b)(4) that the applicant, or the assignee of the entire interest of the applicant sign the power of attorney. The petition should be directed to the Office of Petitions. The acceptance of such papers by petition under 37 CFR 1.36(a) or 1.183 will result in more than one attorney, agent, applicant, or owner prosecuting the application at the same time. Therefore, each of these parties must sign all subsequent replies submitted to the Office. See *In re Goldstein*, 16 USPQ2d 1963 (Dep. Assist. Comm'r Pat. 1988).

37 CFR 1.183 states:

In an extraordinary situation, when justice requires, any requirement of the regulations in this part which is not a requirement of the statutes may be suspended or waived by the Director or the Director's designee, sua sponte, or on petition of the interested party, subject to such other requirements as may be imposed. Any petition under this section must be

accompanied by the petition fee set forth in § 1.17(f).

Petitioners have not demonstrated the existence of an extraordinary situation in which justice requires waiver of the rules. A dispute between inventors, or an assignee of less than the entire interest of the application and an inventor, is not an extraordinary circumstance.

Further, petitioners have neither demonstrated that inventor Vartanov has agreed to the subject petition nor provided details of the efforts made to obtain inventor Vartanov's agreement to the filing of a petition requesting acceptance of a power of attorney made on behalf of less than all the named inventors. Simply put, petitioners have not shown that inventor Vartanov's rights in the subject application for patent will be preserved if this petition was accepted.

It is noted that the Office action filed on May 5, 2011 has been signed by registered patent practitioner Rabinovich on behalf of assignee Innovative Steel, as well as by inventor Vartanov. As such, it is suggested that both of the inventors, and/or their assignees, file a renewed petition requesting acceptance of a power of attorney made on behalf of less than all the named inventors. If a power of attorney is being made on behalf of an assignee, the Statement Under 37 CFR 3.73(b) must also be submitted.

It is noted that, notwithstanding this decision, the inventors may still **jointly** appoint or revoke a power of attorney.

The petition fee set forth in § 1.17(f) will be charged to the deposit account specified in the subject petition, as authorized.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By FAX: (571) 273-8300
 Attn: Office of Petitions

By hand: Customer Service Window
Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

A reply may also be filed via EFS-Web.

A courtesy copy of this decision is being mailed to the address in the petition. All future correspondence, however, will be mailed solely to the address of record.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Cc: RADER, FISHMAN & GRAUER, PLLC
39533 WOODWARD AVENUE
SUITE 140
BLOOMFIELD HILLS MI 48304-0610



DONN K. HARMS
PATENT & TRADEMARK LAW CENTER
SUITE 100
12702 VIA CORTINA
DEL MAR CA 92014

MAILED

DEC 14 2011

OFFICE OF PETITIONS

In re Application of :
Freudenthal : DECISION ON PETITION
Application No. 12/288,972 :
Filed: October 24, 2008 :
Atty. Dkt. No.: 3735-PAT :

This decision is in response to the petition under 37 CFR 1.137(b), filed December 2, 2011.

The petition is **GRANTED**.

The application became abandoned April 8, 2011 for failure to timely submit a proper reply to the restriction requirement mailed February 7, 2011. The restriction requirement set a one month shortened statutory period of time for reply. Notice of Abandonment was mailed November 23, 2011.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by: (1) the required reply to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in 37 C.F.R. § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee set forth in 37 C.F.R. § 1.20(d)) required pursuant to 37 C.F.R. § 1.137(c).

The instant petition has been carefully reviewed and found in compliance with the requirements set forth above.

This application is being forwarded to Group Art Unit 3731 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/288,994	10/24/2008	Bryan Keith Martin	27NORDAM14	4466
20185	7590	06/28/2011	EXAMINER	
FRANCIS L CONTE 6 PURITAN AVENUE SWAMPSCOTT, MA 01907			GROSS, CARSON	
			ART UNIT	PAPER NUMBER
			1746	
			MAIL DATE	DELIVERY MODE
			06/28/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JUN 28 2011

wk

Mailed :
In re Application of : DECISION ON
Martin : PETITION
Serial No. 12/288,994 :
Filed: October 24, 2008 :
For: **DUAL PANEL FABRICATION**

This is a decision on the PETITION FILED UNDER 37 CFR 1.144 filed on April 20, 2010.

The Examiner initially required a restriction between Group I, claims 1- 19, drawn to a method of making a laminated panel, classified in class 156, subclass 308.2 and Group II, claim 20 drawn to a panel press classified in class 100, subclass 137.

The Examiner determined that inventions I and II were related as process and apparatus for its practice. The inventions can be distinct if it can be shown that either:

(1) the process as claimed can be practiced by another and materially different apparatus or by hand, or

(2) the apparatus as claimed can be used to practice another and materially different process. (MPEP 806.05(e)).

In the instant case, the Examiner determined that the apparatus can be used to perform a materially different process, such as heating and pressing a panel which is a single layer rather than a panel laminate. Alternatively, the method as claimed can be performed by a materially different apparatus, such as a panel press without temperature sensors.

The burden is on the Examiner to provide reasonable examples that recite material differences. If Applicant proves or provides convincing argument that there is no material difference, the burden is on the Examiner to document another materially different process or apparatus or withdraw the requirement.

Applicant elected Group 1, claims 1-19 with traverse. Applicant asserts that claim 20 recites the panel press (apparatus) specifically configured for the practice of the recited method in accordance with MPEP 806.05(e). The combinations of features recited in claim 20 have corresponding features recited in claim 19. Applicant also asserts that the separate classification and search burden set forth for by the Examiner fails because

12/288,994

the references/patents cited by the Examiner were classified in different classifications that did not encompass the classification of Group I and II.

A proper field of search normally includes the subclass in which the claimed subject matter of an application would be properly classified. Where it is necessary to search for one of the inventions in a manner that is not likely to result in finding art pertinent to the other invention(s) (e.g., searching different classes/subclasses or electronic resources, or employing different search queries), a different field of search is shown, even though the two are classified together. The indicated different field of search must in fact be pertinent to the type of subject matter covered by the claims. Patents need not be cited to show different fields of search. The classification set for the by the Examiner between Group I and II was proper.

The example provide by the Examiner was to illustrate that the claimed apparatus can perform a materially different method. The Examiner's position is that a non-laminated sheet could be place on each side of the thermal band, and the operation of the apparatus, including the function of the thermal band, would remain intact. Applicants assert that the layer or laminate, worked upon by the apparatus does not limit apparatus claims, and the Examiners asserted example does not present any differences. Applicant also further states that the use of a single layer would be inoperable because the Examiner has failed to explain any reasonable method of using both the recited platens and thermal bands with a single layer. The Examiner's response to Applicant's traversal stated that the use of single sheets which require heat treatment may be placed in the panel press and subjected to heat and pressure. The Examiner countered that a non-laminated sheet could be place on each side of the thermal band, and the operation of the apparatus, including the function of the thermal band, would remain intact.

Applicants assert the "remain intact" means no "difference" between the use of the claimed apparatus and the process; and clearly not any "materially different process". Applicants have established that there is no material difference and the Examiner has not documented another materially different process or apparatus in response to Applicant's arguments.

DECISION

The petition is **Granted**.

The Restriction between claims 1-19 and 20 is withdrawn:

/W. GARY JONES/
Director, Technology Center 1700
Chemical and Materials Engineering

FRANCIS L CONTE
6 PURITAN AVENUE
SWAMPSCOTT MA 01907



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

MAY 03 2011

OFFICE OF PETITIONS

**PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK NJ 08933-7003**

In re Application of :
GRECO, et al :
Application No. 12/288,998 : **ON PETITION**
Filed: October 24, 2008 :
Attorney Docket No. ORT-1512 USDIV5 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 8, 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 1, 2010. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). An extension of time for two (2) months pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is December 2, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$810, and the submission required by 37 CFR 1.114; (2) the petition fee of \$1620; and (3) a proper statement of unintentional delay.

The petition fee will be charged to Deposit Account No. 10-0750, as authorized.

The Terminal Disclaimer filed with the petition has been acknowledged and will be processed by the Technology Center.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to Technology Center 1625 for further processing in the normal course of business.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**BLANK ROME LLP
WATERGATE
600 NEW HAMPSHIRE AVENUE, N.W.
WASHINGTON DC 20037**

MAILED

SEP 27 2010

In re Application of : **OFFICE OF PETITIONS**
Samuel C. Dudley, Jr. :
Application No. 12/289,005 : **DECISION ON PETITION**
Filed: October 17, 2008 : **TO WITHDRAW**
Attorney Docket No. 111828.0158 : **FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 5, 2010.

The request is **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 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

Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)
Application Number	12289081
Filing Date	20-Oct-2008
First Named Inventor	Yosuke Kusaka
Art Unit	2873
Examiner Name	MOHAMMED HASAN
Attorney Docket Number	134694
Title	IMAGE SENSOR AND IMAGING APPARATUS

An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).

A grantable petition requires the following items:

- (1) Petition fee; and
- (2) One of the following reasons:
 - (a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;
 - (b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or
 - (c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).

Petition Fee

- Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).
- Applicant(s) status remains as SMALL ENTITY.
- Applicant(s) status remains as other than SMALL ENTITY

Reason for withdrawal from issue

- One or more claims are unpatentable
- Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- I certify, in accordance with 37 CFR 1.4(d)(4) that :
- The RCE request ,submission, and fee have already been filed in the above-identified application on
 - Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- A sole inventor
- A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- A joint inventor; all of whom are signing this e-petition
- The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Daniel L. Cerioni/
Name	Daniel L. Cerioni
Registration Number	65242



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : March 21, 2012

In re Application of :

Yosuke Kusaka

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12289081

Filed : 20-Oct-2008

Attorney Docket No : 134694

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed March 21, 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 2873 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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. Includes sub-tables for 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.

Betty Powell (Handwritten signature)

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE (Faint stamp)



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**BENJAMIN DANIEL ELENCWAJG
ESTADOS UNIDOS 972 10 "E"
CAPITAL FEDERAL,
BUENOS AIRES C1101AAT AR
ARGENTINA**

MAILED

AUG 30 2010

In re Application of :
Benjamin Daniel ELENCWAJG :
Application No. 12/289,168 :
Filed: October 22, 2008 :
Attorney Docket No. :

OFFICE OF PETITIONS
DECISION ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed August 13, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed November 14, 2008. The Notice set a period for reply of **two (2) months** from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 15, 2009. A Notice of Abandonment was mailed on December 17, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings; (2) the petition fee of \$810; and (3) a proper statement of unintentional delay.

The extension of time filed with the renewed petition dated August 13, 2010, is unnecessary, since the request for reconsideration was filed within two months of the decision date. Petitioner may request a refund of this fee by writing to the following address: Mail Stop 16, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. A copy of this decision should accompany petitioner's request.

The Terminal Disclaimer filed with the petition has been processed by the Technology Center.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to the Office of Data Management for further processing.

/DCG/
Diane C. Goodwyn
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: DRAH3011/FJD	Patent Number: 7658115
Filing Date (or 371(b) or (f) Date): 2008-10-22	Issue Date: 2010-02-09
First Named Inventor: Alfred Rieder	
Title: MEASURING TRANSDUCER OF VIBRATION-TYPE	

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.

**Instruction Sheet for:
REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT
IN VIEW OF *WYETH****
(Not to be Submitted to the USPTO)

This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A).

This form must be filed within 180 days of the day the patent was granted, with the following exception:

Patentees who received a decision from the USPTO under the USPTO's pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A) may file a request for reconsideration of that decision if such a request for reconsideration is filed within **two months** of the date of the decision (37 CFR 1.181(f)). If the patentee's sole basis for requesting reconsideration of the decision is the USPTO's pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A), the request for reconsideration need only state that reconsideration is being requested in view of Wyeth (this form may be used for this purpose if it is filed within **two months** of the date of the decision from the USPTO).

Do not use this form if the application has been allowed, but not yet issued as a patent.

- 1. For patents issued before March 2, 2010:** A request for reconsideration under 37 CFR 1.705(d) and the fee set forth in 37 CFR 1.18(e) are not required, provided that the patentee's sole basis for requesting recalculation of the PTA in the patent is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A) and this form is filed within 180 days of the day the patent was granted.
- 2. For patents issued on or after March 2, 2010 (do not use this form):** Patentees seeking a revised PTA in a patent issued on or after March 2, 2010, must file a request for reconsideration under 37 CFR 1.705(d) that complies with the requirements of 37 CFR 1.705(b)(1) and (b)(2) within two months of the day the patent issued.

For more information, see "Notice Concerning Calculation of the Patent Term Adjustment With Respect to the Overlapping Delay Provision of 35 U.S.C. 154(b)(2)(A)" available on the USPTO Web site at <http://www.uspto.gov/patents/law/notices/2010.jsp>.

**Wyeth v. Kappos*, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 08/12/2010

Applicant : Alfred Rieder : DECISION ON REQUEST FOR
Patent Number : 7658115 : RECALCULATION of PATENT
Issue Date : 02/09/2010 : TERM ADJUSTMENT IN VIEW
Application No : 12/289,169 : OF WYETH AND NOTICE OF INTENT TO
Filed : 10/22/2008 : 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Date: 02/28/11

Patent No. : 7796226 B2
Ser. No. : 12/289,183
Inventor(s) : Yamada , et al.
Issued : September 14, 2010
Title : Liquid crystal display device
Docket No. : HITA.1198

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 (*see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481*). This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this mater, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

- A. the processing fee set forth in 37 CFR 1.17(i) (currently \$130);**
- B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and**
- C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.**

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS

Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-0025
ATTN: Office of Petitions

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.



Lamonte M. Newsome
For Mary Diggs, Supervisor
Decisions & Certificates
Of Correction Branch
(571) 272-3421 or (703) 305-8309

Juan Carlos A. Marquez
c/o Stites & Harbison PLLC
1199 North Fairfax Street
Suite 900
Alexandria VA 22314-1437

LMN



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Date: 02/28/11

Patent No. : 7782426 B2
Ser. No. : 12/289,183
Inventor(s) : **Tanno, et al.**
Issued : **August 24, 2010**
Title : Liquid crystal display device
Docket No. : **HITA.1186**

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 (*see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481*). This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this matter, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

- A. the processing fee set forth in 37 CFR 1.17(i) (currently \$130);**
- B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and**
- C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.**

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

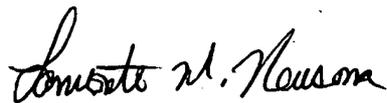
By mail: Mail Stop PETITIONS

Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-0025
ATTN: Office of Petitions

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.



Lamonte M. Newsome
For Mary Diggs, Supervisor
Decisions & Certificates
Of Correction Branch
(571) 272-3421 or (703) 305-8309

Juan Carlos A. Marquez
c/o Stites & Harbison PLLC
1199 North Fairfax Street
Suite 900
Alexandria VA 22314-1437

LMN



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

JUN 28 2011

OFFICE OF PETITIONS

JUAN CARLOS A MARQUEZ
C/O STITES & HARBISON PLLC
1199 NORTH FAIRFAX STREET
SUITE 900
ALEXANDRIA VA 22314-1437

In re Patent No. 7,782,426 :
Issue Date: August 24, 2010 :
Application No. 12/289,183 : DECISION ON PETITION
Filed: October 22, 2008 :
Attorney Docket No. HITA-1186 :

This is a decision on the petition under 37 CFR 3.81(b), filed June 9, 2011.

The petition is **GRANTED**.

An application may issue in the name of an assignee rather than the applicant if requested prior to issuance of a patent.¹ However, in the event the request is not made prior to issuance, a Certificate of Correction under 37 CFR 1.323 may be requested. A request for a Certificate of Correction under 37 CFR 1.323 to correct the assignee's name will not be granted unless a petition under 37 CFR 3.81(b) is granted. Such request under 37 CFR 3.81(b) should include:

- (A) the processing fee required by 37 CFR 1.17(i);

¹ See 37 CFR 3.81.

(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;

(C) a statement that the assignment was submitted for recordation as set forth in 37 CFR 3.11 before issuance of the patent; and

(D) a request for a certificate of correction under 37 CFR 1.323 accompanied by the fee set forth in 37 CFR 1.20(a).²

Receipt of the \$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

² MPEP 307.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BCF LLP
1100 RENE'-LE'VESQUE BLVD. WEST
25TH FLOOR
MONTREAL, QC H3B-5C9
CANADA

MAILED

JAN 03 2011

OFFICE OF PETITIONS

In re Application of :
Guy Veillet :
Application No. 12/289,305 : DECISION ON PETITION
Filed: October 24, 2008 :
Attorney Docket No. 15726-003 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 1, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of corrected drawings and the required fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice to File Corrected Application Papers mailed February 6, 2009, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to the Office of Patent Application Processing for pre examination processing.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20100729

DATE : July 29, 2010

TO SPE OF : ART UNIT 2627

SUBJECT : Request for Certificate of Correction on Patent No.: 7,733,613

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

Approved

All changes apply.

Approved in Part

Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Comments:

/Joseph H. Feild/
Supervisory Patent Examiner, Art Unit 2627



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.
-----------------	-------------	----------------------	---------------------	------------------

12/289,384	10/27/2008	Susumu Haratani	138955	9626
------------	------------	-----------------	--------	------

7590 04/15/2011
OLIFF & BERRIDGE, PLC
 P.O. BOX 320850
 ALEXANDRIA, VA 22320-4850

EXAMINER

BAISA, JOSELITO SASIS

ART UNIT	PAPER NUMBER
----------	--------------

2832

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

04/15/2011

ELECTRONIC

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

April 13, 2011

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

In re Application of :
Susumu Haratani, et al : **DECISION ON PETITION**
Application No. 12289384 :
Filed: 10/27/2008 : **ACCEPTANCE OF COLOR**
Attorney Docket No. 138955 : **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 27, 2008.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Laura Feldman/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LEE & MORSE, P.C.
3141 FAIRVIEW PARK DRIVE
SUITE 500
FALLS CHURCH, VA 22042

MAILED
AUG 25 2011
OFFICE OF PETITIONS

In re Application of :
Chong-Gi Hong :
Application No.: 12,289,443 : ON PETITION
Filed: October 28, 2008 :
Attorney Docket No.: 302/125 :

This is a decision on the petition, filed August 24, 2011, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

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 12, 2011, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2879 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

¹ *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*



UNITED STATES PATENT AND TRADEMARK OFFICE

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. Includes details for application 12/289,477, inventor Sungjee Kim, and examiner ZIMMER, MARC S.

ACKNOWLEDGEMENT OF REQUEST
Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

May 12, 2011

CANTOR COLBURN LLP
20 Church Street
22nd Floor
Hartford CT 06103

In re Application of :
Sungjee Kim, et al : **DECISION ON PETITION**
Application No. 12289477 :
Filed: 10/29/2008 : **ACCEPTANCE OF COLOR**
Attorney Docket No. **PHO0142US** : **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 29, 2008.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Laura Feldman/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
Values: 12/289,486, 10/29/2008, Chun-Hua Chen, MR3803-15, 2079

7590 06/10/2011
ROSENBERG, KLEIN & LEE
3458 ELLICOTT CENTER DRIVE-SUITE 101
ELLICOTT CITY, MD 21043

Table with 1 column: EXAMINER

MANCUSO, HUEDUNG XUAN CAO

Table with 2 columns: ART UNIT, PAPER NUMBER

2821

Table with 2 columns: NOTIFICATION DATE, DELIVERY MODE

06/10/2011

ELECTRONIC

ACKNOWLEDGEMENT OF REQUEST
Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

June 8, 2011

ROSENBERG, KLEIN & LEE
3458 ELLICOTT CENTER DRIVE-SUITE 101
ELLICOTT CITY MD 21043

In re Application of :
Chen, Chun-Hua et al : **DECISION ON PETITION**
Application No. 12/289,486 :
Filed: 10/29/2008 : **ACCEPTANCE OF COLOR**
Attorney Docket No. MR3803-15 : **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 29, 2008.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Diane Terry/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Juan Carlos A. Marquez
c/o Stites & Harbison PLLC
1199 North Fairfax Street
Suite 900
Alexandria VA 22314-1437

MAILED
JUN 20 2011
OFFICE OF PETITIONS

In re Patent No. 7,796,226 :
Issued: September 14, 2010 :
Application No. 12/289,502 : DECISION ON PETITION
Filed: October 29, 2008 :
Attorney Docket No. HITA.1198 :

This is a decision on the petition filed, June 8, 2011, which is being treated as a request under 37 CFR 3.81(b)¹ to correct the assignee's name and residence on the Letters Patent by way of a certificate of correction in the above-identified patent.

The request is GRANTED.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3205. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

¹ See, MPEP 1309, subsection II; and Official Gazette of June 22, 2004.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MARTIN D. MOYNIHAN d/b/a PRTSI, INC.
P.O. BOX 16446
ARLINGTON VA 22215

MAILED
FEB 22 2012
OFFICE OF PETITIONS

In re Application of :
Reich et al. : **DECISION ON PETITION**
Application No. 12/289,525 :
Filed: 10/29/2008 :
Attorney Docket Number :
44766 :

This is a decision on the petition under 37 CFR 1.84(a)(2) received in the United States Patent and Trademark Office (USPTO) on January 21, 2009.

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 1.84(a)(2)". No further petition fee is required for a renewed petition.

37 CFR 1.84(a)(2) states that the Office will accept color drawings only after granting a petition explaining why color drawings are necessary. The petition must include:

- (i) The fee set forth in 1.17(h);
- (ii) Three (3) sets of color drawings;¹
- (iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

¹ The requirement for three (3) sets of color drawings is not applicable to color drawings submitted via EFS-Web. Therefore, only one set of color drawings is necessary when filing via EFS-Web. See MPEP 502.05(VIII)(C).

The petition does not comply with 37 CFR 1.84(a)(2)(iii) in that the present petition does not include an amendment to the specification contained on a separate paper (See 37 CFR 1.121(h), nor is the amendment in compliance with 37 CFR 1.121(b). Rather, the amendment is physically part of the petition and is therefore unacceptable.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
 Commissioner for Patents
 PO Box 1450
 Alexandria VA 22313-1450

By FAX: 571-273-8300
 Attn: Office of Petitions

A reply may also be filed via EFS-Web.

The application is being forwarded to Group Art Unit 2858.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3231.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/289,557	10/30/2008	Chia-Lun Tang	MR3803-16	4073
4586	7590	04/14/2011	EXAMINER	
ROSENBERG, KLEIN & LEE 3458 ELLICOTT CENTER DRIVE-SUITE 101 ELLICOTT CITY, MD 21043			MANCUSO, HUEDUNG XUAN CAO	
			ART UNIT	PAPER NUMBER
			2821	
			NOTIFICATION DATE	DELIVERY MODE
			04/14/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptoactions@rklpatlaw.com
ptoactions@yahoo.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

April 12, 2011

ROSENBERG, KLEIN & LEE
3458 ELLICOTT CENTER DRIVE-SUITE 101
ELLICOTT CITY MD 21043

In re Application of :
Tang, Chia-Lun : **DECISION ON PETITION**
Application No. 12/289,557 :
Filed: 10/30/2008 :
Attorney Docket No. MR3803-16 :

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 30, 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 file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition did not 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.

/Kimberly Terrell/
Manager
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
12/289,585 10/30/2008 Masatoshi Ito K06-259108/TBS 6498

7590 10/08/2010
MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

EXAMINER

HANNON, THOMAS R

ART UNIT PAPER NUMBER

3656

MAIL DATE DELIVERY MODE

10/08/2010

PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)
The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Mimi Farnes (handwritten signature)

Patent Publication Branch
Office of Data Management

Registration date: 10/12/2010
Patent Office
Alexandria, VA 22313-1450



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BACON & THOMAS PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA VA 22314-1176

MAILED
MAR 08 2012
OFFICE OF PETITIONS

In re Application of :
Atsushi Takeuchi et al :
Application No. 12/289,642 : DECISION GRANTING PETITION
Filed: October 31, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. TAKE3015/GAL :

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 10, 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 3661 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).



UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/289,687 10/31/2008 Trevor Speak 139004 8996

7590 11/19/2010
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

Table with 1 column: EXAMINER

LOOK, EDWARD K

Table with 2 columns: ART UNIT, PAPER NUMBER

3745

Table with 2 columns: NOTIFICATION DATE, DELIVERY MODE

11/19/2010

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.

Mimi Farmer (handwritten signature)

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE
COMMUNICATIONS SECTION
ALEXANDRIA, VA 22313-1450

UNITED STATES PATENT AND TRADEMARK OFFICE
COMMUNICATIONS SECTION
ALEXANDRIA, VA 22313-1450



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

MAILED
NOV 17 2010
OFFICE OF PETITIONS

In re Application of :
Gainer, John L. :
Application No. 12/289,713 : **ON PETITION**
Filed: October 31, 2008 :
Attorney Docket No. DMB-4112-79 :

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 27, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement from the applicant's attorney. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3206. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 1616 for action on the merits commensurate with this decision.


Liana Walsh
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20111128

DATE : November 28, 2011

TO SPE OF : ART UNIT 2168

SUBJECT : Request for Certificate of Correction on Patent No.: 6,757,684

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within 7 days to:
Certificates of Correction Branch - ST (South Tower) 9A22
Palm location 7590 - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

Approved

All changes apply.

Approved in Part

Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Comments:



/TIM T VO/
Supervisory Patent Examiner, Art Unit 2168



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

MAILED

AUG 23 2010

OFFICE OF PETITIONS

In re Application of :
Takumi Kawahara, et al. :
Application No. 12/289,747 : **DECISION GRANTING PETITION**
Filed: November 3, 2008 : **UNDER 37 CFR 1.313(c)(2)**
Attorney Docket No. 126901.01 :

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 July 16, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2862 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement and amendment.


Terri Johnson
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ROBERT P. COGAN
CONTINUUM LAW
10085 Carroll Canyon Rd Suite 100
San Diego CA 92131-1100

MAILED
DEC 20 2010
OFFICE OF PETITIONS

In re Application of :
James F. Matthews :
Application No. 12/289,835 : **DECISION ON PETITION**
Filed: November 5, 2008 :
Attorney Docket No. **1984U01 (90728)** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 29, 2010, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed March 5, 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 May 10, 2009.

The petition is hereby **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form replacement drawings, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571)272-4584.

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.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
Row 1: 12/289,948, 11/07/2008, Eun Joo Jang, PHO0140US, 7980
Row 2: (Empty), 7590, 05/05/2011, (Empty), (Empty)
Row 3: (Empty), (Empty), (Empty), (Empty), (Empty)
Row 4: (Empty), (Empty), (Empty), (Empty), (Empty)
Row 5: (Empty), (Empty), (Empty), (Empty), (Empty)

CANTOR COLBURN LLP
20 Church Street
22nd Floor
Hartford, CT 06103

EXAMINER
RODRIGUEZ, ARMANDO

ART UNIT: 2828
PAPER NUMBER

NOTIFICATION DATE: 05/05/2011
DELIVERY MODE: ELECTRONIC

ACKNOWLEDGEMENT OF REQUEST
Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

May 3, 2011

CANTOR COLBURN LLP
20 Church Street
22nd Floor
Hartford CT 06103

Re Application of
JANG, EUN JOO, ET. AL
Application: **12/289948**
Filed: **11/07/2008**
Attorney Docket No: **PHO0140US**

: **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) November 07, 2008.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is **GRANTED**.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON DC 20004**

MAILED

JAN 10 2011

OFFICE OF PETITIONS

In re Application of :
Cynthia A. Kuper, et al. :
Application No. 12/289,951 :
Filed: November 7, 2008 :
Attorney Docket No. 063101-5033 :

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed December 3, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks a forwarding correspondence address of the first named inventor or a properly intervening assignee.

If the forwarding correspondence address is to the assignee, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *that properly became of record under 37 CFR 3.71*. 37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-2991.



Terri Johnson
Petitions Examiner
Office of Petitions

cc: **MICROMEM TECHNOLOGIES, INC.**
777 Bay Street, Suite 1910
Toronto, Ontario M5G 2E4
Canada



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON DC 20004**

MAILED

JAN 10 2011

OFFICE OF PETITIONS

In re Application of :
Darren Imai, et al. :
Application No. 12/289,952 :
Filed: November 7, 2008 :
Attorney Docket No. 063101-5030-US :

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed December 3, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks a forwarding correspondence address of the first named inventor or a properly intervening assignee.

If the forwarding correspondence address is to the assignee, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *that properly became of record under 37 CFR 3.71*. 37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-2991.



Terri Johnson
Petitions Examiner
Office of Petitions

cc: **MICROMEM TECHNOLOGIES, INC.**
777 Bay Street, Suite 1910
Toronto, Ontario M5G 2E4
Canada



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED
MAR 26 2012
OFFICE OF PETITIONS

PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON
PLAZA
NEW BRUNSWICK NJ 08933-7003

In re Application of

Greco, et al.

Application No. 12/290,028

Filed: October 24, 2008

Attorney Docket No. **ORT-1512 USDIV1**

:

:

:

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed December 22, 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 final Office action mailed July 28, 2010, which set a shortened statutory period for reply of three (3) months from its mailing date. No extension of time pursuant to 37 CFR 1.136(a) was obtained within the allowable period. Accordingly, the application became abandoned on October 29, 2010. A Notice of Abandonment was mailed March 2, 2011.

The terminal disclaimer filed December 22, 2011, is noted and was approved on February 7, 2012.

Deposit account 10-0750 will be charged \$1,860.00 for the petition.

The application is being forwarded to Technology Center GAU 1625 for further processing.

In re Application No. 12/290,028

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

DOCKET NO. ORT1512USDIV1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Michael N. Greco Confirmation No: 7953
Serial No.: 12/290,028 Group Art Unit.: 1625
Filed: October 24, 2008 Examiner: Desai, Rita J.
For: Novel Phosphonic Acid Compounds As Inhibitors of Serine Proteases

I hereby certify that this correspondence is being transmitted via
The Office electronic filing system in accordance with 37 CFR 1.6(a)(4)

December 22, 2011
(Date of Transmission)

Dawn H. Wilson
(Name of person e-filing)

/Dawn H. Wilson/
(Signature)

December 22, 2011
(Date of Signature)

Assistant Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313

PETITION FOR REVIVAL OF AN APPLICATION FOR
PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Dear Sir:

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 12/290,028, Serial No. 12290028
Sec 37 CFR 1.27.
Other than small entity fee \$1,620. (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 a Preliminary
Amendment
has been filed previously on
is enclosed herewith.
B. The issue fee of \$

Docket No. ORT-1512USDIV1
12/290,028

- has been paid previously on
 is enclosed herewith.

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).

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))]

- Charge the petition fee of \$1,620 to Account 10-0750/ORT1512USDIV1/YPS and for any additional fee required.
 A check in the sum of \$_____ is attached.
 Charge Account 10-0750/ORT1512USDIV1/YPS for any additional fee required.

Respectfully submitted,

/Yuriy P. Stercho/
Yuriy P. Stercho, Ph.D.
Registration No.: 33,797
Attorney for Applicant(s)

JOHNSON & JOHNSON
One Johnson & Johnson Plaza
New Brunswick, NJ 08933
Tel. No.: 610 240-8006
Date: December 22, 2011

- Enclosures: Fee Payment
 Reply (Preliminary Amendment, Terminal Disclaimer and Request for Continued Examination)
 Terminal Disclaimer Form
 Additional Sheets containing statements establishing unintentional delay
 Other:



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SAM R. MCCOY JR.
P.O. BOX 2108
MOUNT PLEASANT SC 29465

MAILED

DEC 01 2010

OFFICE OF PETITIONS

In re Application of :
Tobey WAGNER :
Application No. 12/290,055 : **DECISION ON PETITION**
Filed: October 28, 2008 :
Attorney Docket No. 20071102 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 18, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before April 26, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed January 26, 2010. Accordingly, the date of abandonment of this application is 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 payment of the issue fee of \$595.00 and the publication fee of \$300.00, (2) the petition fee of \$810.00; and (3) a proper statement of unintentional delay. Accordingly, the issue and publication fee payments are accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

This application is being referred to the Office of Data Management.

Michelle R. Eason
Paralegal Specialist
Office of Petitions



JURGEN VOLLRATH
588 SUTTER STREET # 531
SAN FRANCISCO CA 94102

MAILED

DEC 14 2011

OFFICE OF PETITIONS

In re Application of
Vladislav Vashchenko et al.
Application No. 12/290,060
Filed: October 27, 2008
Attorney Docket No: P07238

ON PETITION

This is a decision on the petition under 37 CFR 1.137(a)¹, filed November 21, 2011, to revive the above identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the non-Final Office Action mailed April 28, 2011. A shortened statutory period of three months was set for replying to the non-Final Office Action. The instant petition and this decision precede the mailing of the Notice of Abandonment.

Petitioner argues non-receipt of the non-Final Office Action and thus failure to file a timely reply was unavoidable.

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

¹ 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).

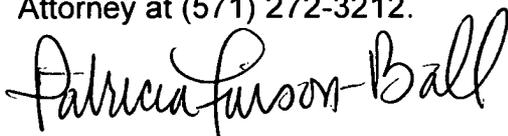
business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.²

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 or mail, telegraph, telefacsimile, or the negligence of otherwise reliable employees, the response is not timely received in the Office.³

A review of the file record discloses that the non-Final Office Action was mailed to the address of record. However, petitioner contends that it was not received. In support of this contention, copies of pages from the docket wherein receipt of the April 28, 2011 Office Action would have been entered, had it been received, accompanied the petition. The submissions provided, corroborate non-receipt of the non-Final Office Action mailed April 28, 2011. In view of the facts set forth in the petition, it was concluded that the non-Final Office Action mailed April 28, 2011 was never received.

All other requirements of 37 CFR 1.137(a) having now been met, this matter is being referred to Technology Center 2829 for appropriate action on the amendment filed November 21, 2011.

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

²In *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).

³Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 5-3-11

TO SPE OF : ART UNIT 2822

SUBJECT : Request for Certificate of Correction for Appl. No.: 12290147 Patent No.: 7910954

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (C of C)
Randolph Square – 9D10-E
Palm Location 7580**

Omega Lewis
Certificates of Correction Branch
703-756-1575

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Comments: _____

/Zandra Smith/ 2822
SPE

Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

HAVERSTOCK & OWENS LLP
162 N WOLFE ROAD
SUNNYVALE CA 94086

MAILED
AUG 30 2011
OFFICE OF PETITIONS

In re Application of :
Kenneth D. DONNELL : ON PETITION
Application No. 12/290,156 :
Filed: October 27, 2008 :
Atty. Docket No.: KDD-00100 :

This is a decision on the petition under 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 Notice of Allowance and Fee(s) Due mailed May 12, 2011 (Notice), which set a statutory period for reply of three (3) months. The application became abandoned on August 13, 2011. A Notice of Abandonment was mailed August 25, 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 in accordance with the Notice mailed May 12, 2011, (2) the petition fee of \$810, and (3) a statement of unintentional delay. The reply to the Notice is accepted as having been unintentionally delayed.

Telephone inquiries regarding this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427).

The application will be referred to Office of Data Management for further processing.


for Anthony Knight
Director
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**SHELDON KAVESH, Ph. D.
16 N. POND RD.
WHIPPANY NJ 07981**

MAILED

AUG 16 2010

OFFICE OF PETITIONS

In re Application of	:	
Mohammad BEHI	:	
Application No. 12/290,245	:	DECISION ON PETITION
Filed: October 29, 2008	:	
Attorney Docket No. 05-01DIV1	:	

This is a decision on the petition filed July 26, 2010, requesting under 37 CFR 1.182 that the acceptance of the terminal disclaimer filed June 21, 2010 be withdrawn. The \$400.00 petition fee has been received.

The petition is granted.

Petitioners assert that, the terminal disclaimer was sent in error. The undersigned has consulted with the examiner in charge of this application, and has found that the examiner indicates that the terminal disclaimer is not needed for this application. Accordingly, the terminal disclaimer is withdrawn. USPTO records for the above-identified application have been changed consistent with this decision.

This application file is being referred to the Office of Data Management.

Telephone inquiries related to this decision should be addressed to Michelle R. Eason at (571) – 272-4231.

Thurman K. Page
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/290,277	10/29/2008	Robert K. Rowe	020204-002850US	2659
7590 10/14/2010 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			EXAMINER STREGE, JOHN B	
			ART UNIT 2624	PAPER NUMBER
			MAIL DATE 10/14/2010	DELIVERY MODE PAPER

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

October 13, 2010

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

In re Application of :
Todd Crawford, et al : **DECISION ON PETITION**
Application No. 12290277 :
Filed: 10/29/2008 : **ACCEPTANCE OF COLOR**
Attorney Docket No. 020204-002850US : **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 29, 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**KEWANG LU
16 CHADWICK DRIVE
DOVER DE 19901**

**MAILED
SEP 28 2011
OFFICE OF PETITIONS**

In re Application of :
Kewang Lu, et al. :
Application No. 12/290,288 : **DECISION ON PETITION**
Filed: October 29, 2008 :
:

This is a decision on the petition, filed September 12, 2011, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision. *Note* 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment."

This application was held abandoned for failure to timely respond to the Non-Final Office action mailed February 16, 2011. A response was due on or before May 16, 2011. No extensions of time under 37 CFR 1.36(a) were obtained. A Notice of Abandonment was mailed September 1, 2011.

Petitioner asserts that a timely response was mailed to the USPTO on March 11, 2011 and received at the Office on March 14, 2011. The petitioner has included with the petition a copy of an International Express mail receipt. However, this International Express receipt cannot be accepted as evidence of a response being mailed to the USPTO. The specific rule for obtaining a filing date as of the date of deposit in "Express Mail" (rather than the date of receipt at the Office) is 37 CFR 1.10. The procedure in 37 CFR 1.10 is limited to correspondence deposited in the "Express Mail Post Office to Addressee" service of the USPS. There are no similar provisions and no similar benefit can be obtained for correspondence deposited in International Express Mail. See Manual of Patent Examining Procedure (MPEP) § 513.

Also, the instant request for withdrawal of the holding of was not properly signed. In this regard, petitioner's attention is directed to 37 CFR 1.33(b), which states.

Application No. 12/290,288

(b) Amendments and other papers. Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:

- (1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b);
- (2) A registered patent attorney or patent agent not of record who acts in a representative capacity under the provisions of § 1.34;
- (3) An assignee as provided for under § 3.71(b) of this chapter; or
- (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

An unsigned amendment (or other paper) or one not properly signed by a person having authority to prosecute the application is not entered. This applies, for instance, where the amendment (or other paper) is signed by only one of two applicants and the one signing has not been given a power of attorney by the other applicant.

Therefore, as the petition is not signed by all the inventors and the record herein fails to disclose that petitioner herein (Kewang Lu) was ever given a power of attorney to act on behalf of inventors Qiong Gong Ning and Lei Zhang, or that he is an assignee of the entire interest and has complied with the provisions of 37 CFR 3.73(b), the petition is not deemed to be properly signed.

Accordingly, the petition requesting withdrawal of the holding of abandonment cannot be granted at this time.

If petitioner cannot supply the evidence necessary to withdraw the holding of abandonment, or simply does not wish to, petitioner should consider filing a petition under 37 CFR 1.137(b) stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an “unintentionally” abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was “unavoidable.” This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An “unintentional” petition under 37 CFR 1.137(b) must be accompanied by the \$1,620 petition fee.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION

Application No. 12/290,288

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By facsimile: **(571) 273-8300**
Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-272-2991.

/Ramesh Krishnamurthy/
Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 08-01-11

TO SPE OF : ART UNIT 3676

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/290371 Patent No.: 7789143

CofC mailroom date: 07-19-11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

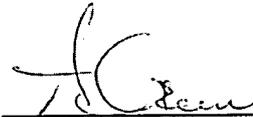
Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square - 9D10-A
Palm Location 7580



Note: _____

Angela Green 571.272.9005
CofC Branch 703-756-1814

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- | | |
|--|--|
| <input type="checkbox"/> Approved | All changes apply. |
| <input type="checkbox"/> Approved in Part | Specify below which changes do not apply. |
| <input checked="" type="checkbox"/> Denied | State the reasons for denial below. |

Comments: Inventorship previously changed in the misc.
action mailed 06/30/2010. The issued Patent has the
correct inventorship already.

SPE



Art Unit

3676



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Date Mailed

August 24, 2011

Patent No. :7789143
Inventor :12290371
Patent Issued :September 7, 2010
Title :METHODS FOR RECOVERING OIL FROM AN OIL RESERVOIR

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 application for the patent reveals that in connection with the alleged error pertaining to the title page, item (75) Inventorship change; the requested change as presented in applicants request is not warranted with respect to inventorship change previously acknowledged in action mailed June 30, 2010. Respectively, the issued patent contains the requested inventorship correction as requested.

In view of the foregoing applicants request in this matter is hereby denied Any telephone inquiry concerning this communication should be directed to Ms. A. Green at (571) 272-9005.

A handwritten signature in black ink, appearing to read "Mary Diggs".

Mary Diggs, Supervisor
Decisions & Certificates
of Correction Branch
(703) 756-1580 or (571) 272-9005

Charles N.J. Ruggiero
Ohlandt, Greely, Ruggiero & Perle, LLP
One landmark Square,
10th Flr.
Stamford, Ct 06901-2682

/arg

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 08-01-11

TO SPE OF : ART UNIT 3676

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/290392 Patent No.: 7789144

CofC mailroom date: 07-19-11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

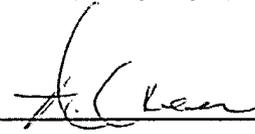
Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square - 9D10-A
Palm Location 7580



Note: _____

Angela Green 571.272.9005
CofC Branch 703-756-1814

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

All changes apply.

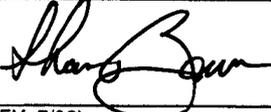
Approved in Part

Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Comments: _____

SPE 

Art Unit 3676

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 07-30-11

TO SPE OF : ART UNIT 3676

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/290393 Patent No.: 7770642

CofC mailroom date: 07-19-11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580



Note: _____

Angela Green 571.272.9005
CofC Branch 703-756-1814

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

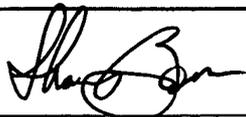
Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Comments: _____

SPE



Art Unit

3676



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BRYAN CAVE LLP
211 NORTH BROADWAY
SUITE 3600
ST. LOUIS, MO 63102-2750

MAILED

AUG 06 2010

In re Application of

Carmelyn Calvert

Application No. 12/290,413

Filed: October 30, 2008

Attorney Docket No. C037327/0195517

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 July 9, 2010.

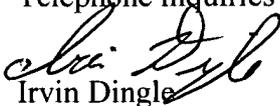
The request is **APPROVED**.

The request was signed by Benjamin J. Sodey on behalf of the practitioners of record associated with Customer Number 49328.

Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to inventor Carmelyn Calvert 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: Carmelyn Calvert
R.R. 1, Box 53A
Eldred, IL 62027



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
12/290,413	10/30/2008	Carmelyn Calvert	C037327/0195517

CONFIRMATION NO. 8291

POWER OF ATTORNEY NOTICE



49328
BRYAN CAVE LLP
211 NORTH BROADWAY
SUITE 3600
ST. LOUIS, MO 63102-2750

Date Mailed: 08/06/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/09/2010.

- 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.

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/290,413	10/30/2008	Carmelyn Calvert	C037327/0195517

CARMELYN CALVERT
R.R. 1, BOX 53A
ELDRED, IL 62027

CONFIRMATION NO. 8291
POA ACCEPTANCE LETTER



OC00000042891166

Date Mailed: 08/06/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/09/2010.

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



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LUCAS & MERCANTI, LLP
475 PARK AVENUE SOUTH
15TH FLOOR
NEW YORK NY 10016

MAILED

JUL 19 2011

OFFICE OF PETITIONS

In re Application of :
Thorsten Homann et al. :
Application No. 12/290,425 : DECISION ON PETITION
Filed: October 29, 2008 :
Attorney Docket No. **HKH-30CIP** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 07, 2011, to revive the above-identified application.

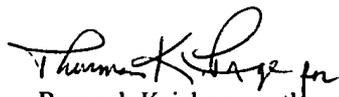
The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, August 12, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 13, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$810, and (3) an adequate statement of unintentional delay. Accordingly, the reply to the non-final Office action of August 12, 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 3725 for appropriate action on the concurrently filed amendment.


Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/290,436	10/30/2008	Yoshihiro Goto	4041J-001526	3185

7590 04/01/2011
HARNES, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER

MCALLISTER, STEVEN B

ART UNIT	PAPER NUMBER
----------	--------------

3749

MAIL DATE	DELIVERY MODE
-----------	---------------

04/01/2011

PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ABELMAN, FRAYNE & SCHWAB
666 THIRD AVENUE, 10TH FLOOR
NEW YORK NY 10017

MAILED

JUL 28 2011

In re Application of :
Franz Huber, et al. :
Application No. 12/290,443 : **OFFICE OF PETITIONS**
Filed: October 29, 2008 : **DECISION ON PETITION**
Attorney Docket No. 209,829 :

This is a decision on the petition, filed June 15, 2011, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Office action of October 4, 2010, which set a three (3) month shortened statutory period for reply. Accordingly, a reply was due on or before January 4, 2011.

Petitioner states that a timely reply was mailed via certificate of mailing on December 17, 2010, which included the following papers: an amendment, information disclosure statement and check for \$180. Office records indicate receipt of the reply bearing a certificate of mailing dated December 17, 2010.

Accordingly, the holding of abandonment for failure to timely file a reply to the Office action of October 4, 2010 is hereby withdrawn and the application restored to pending status.

This application is being referred to Technology Center AU 3677 for appropriate action in the normal course of business on the reply filed December 17, 2010.

/ Ramesh Krishnamurthy/
Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 08-01-11

TO SPE OF : ART UNIT 3676

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/290444 Patent No.: 7779913

CofC mailroom date: 07-19-11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square - 9D10-A
Palm Location 7580



Note: _____

Angela Green 571.272.9005
CofC Branch 703-756-1814

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

All changes apply.

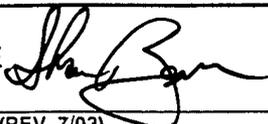
Approved in Part

Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Comments: _____

SPE 

Art Unit 3676



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

MAILED
JUL 07 2011
OFFICE OF PETITIONS

Paper No.

HARNESSE, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS MI 48303

In re Application of :
Saitoh et al. :
Application No. 12/290,446 :
In re Patent No. 7,918,144 : DECISION ON PETITION
Filing Date: October 30, 2008 : PURSUANT TO 37 C.F.R.
Issue Date: April 5, 2011 : § 3.81(B)
Attorney Docket Number: 4041J- :
001528 :
Title: SEATING SENSOR :

This is a decision on the petition pursuant to 37 C.F.R. § 3.81(b), filed May 9, 2011, to correct the Assignee's information on the Issue Fee Transmittal Form PTOL-85(b).

The petition is **DISMISSED**.

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 Assignee information should be changed from "Denso Corporation, Kariya (JP)" to "Denso Corporation, Kariya (JP); Toyota Jidosha Kabushiki Kaisha, Toyota-City (JP)."

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.

The present request pursuant to 37 C.F.R. § 3.81(b) was accompanied by the petition fee, a request for a certificate of correction and the associated fee, and a copy of a recordation document.

On January 13, 2011, Applicant submitted form PTOL-85b to the Office, which erroneously lists "Denso Corporation, Kariya (JP)" (emphasis added) as the assignee.

Office records show that on January 14, 2011, prior to the issuance of this patent, an assignment was submitted for recordation, which lists "Denso Corporation, Kariya-city (emphasis added) (JP)" and "Toyota Jidosha Kabushiki Kaisha, Toyota-City (JP)" as the Assignees.

With this petition, Petitioner has included a certificate of correction: Petitioner seeks to add the second-named Assignee, but has listed the city name of the Denso Corporation as "Kariya," and not "Kariya-city." Were this petition to be granted, this would result in the issuance of a Certificate of Correction which lists the first-named Assignee as being located in a city that differs from the text which appears on the recordation document.

This cannot be done, since an assignment which lists "Denso Corporation, Kariya (JP)" was not submitted for recordation prior to the issuance of this patent. It follows that Petitioner has failed to comply with the provisions of this title, and as such, the request cannot be granted. It is clear that the assignment, as currently written, was not submitted for recordation as set forth in 37 C.F.R. § 3.11 before the issuance of this patent.

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition Under 37 C.F.R. § 3.81(b)". This is not a final agency action within the meaning of 5 U.S.C § 704.

Any renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail¹, hand-delivery², or facsimile³. Registered

1 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

2 Customer Window, Randolph Building, 401 Dulany Street, Alexandria, VA, 22314.

3 (571) 273-8300: please note this is a central facsimile number.

users of EFS-Web may alternatively submit a response to this decision via EFS-Web⁴.

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225⁵.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

⁴ <https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html>

⁵ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

Paper No.

SEP 30 2011

OFFICE OF PETITIONS

HARNES, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS MI 48303

In re Application of :
Saitoh et al. :
Application No. 12/290,446 :
In re Patent No. 7,918,144 : DECISION ON RENEWED
Filing Date: October 30, 2008 : PETITION PURSUANT TO 37
Issue Date: April 5, 2011 : C.F.R. § 3.81(B)
Attorney Docket Number: 4041J- :
001528 :
Title: SEATING SENSOR :

This is a decision on the renewed petition pursuant to 37 C.F.R. § 3.81(b), filed September 1, 2011, to correct the Assignee's information on the Issue Fee Transmittal Form PTOL-85(b).

The renewed petition is **GRANTED**.

With this renewed 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 Assignee information should be changed to "Denso Corporation, Kariya-city (JP)" and "Toyota Jidosha Kabushiki Kaisha, Toyota-City (JP)."

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.

An original petition pursuant to 37 C.F.R. § 3.81(b) was filed May 9, 2011, along with the petition fee, a request for a certificate of correction and the associated fee, and a copy of a recordation document. The original petition pursuant to 37 C.F.R. § 3.81(b) was dismissed via the mailing of a decision on July 7, 2011.

Office records show that on January 14, 2011, prior to the issuance of this patent, an assignment was submitted for recordation, which lists "Denso Corporation, Kariya-city (JP)" and "Toyota Jidosha Kabushiki Kaisha, Toyota-City (JP)" as the Assignees.

With this renewed petition, Petitioner has requested that the assignment information be changed to list "Denso Corporation, Kariya-city (JP)" and "Toyota Jidosha Kabushiki Kaisha, Toyota-City (JP)" as the Assignees.

The Certificates of Correction Branch will be notified of this decision so that the requested Certificate of Correction can be issued, listing "Denso Corporation, Kariya-city (JP)" and "Toyota Jidosha Kabushiki Kaisha, Toyota-City (JP)" as the Assignees.

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
Senior 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

WOMBLE CARYLE SANDRIDGE & RICE, PLLC
ATTN: IP DOCKETING P.O. BOX 7037
ATLANTA GA 30357-0037

MAILED
MAY 16 2011
OFFICE OF PETITIONS

In re Application of :
Per Christian Aas et al :
Application No. 12/290,460 : DECISION GRANTING PETITION
Filed: October 30, 2008 : UNDER 37 CFR 1.313(c)(3)
Attorney Docket No. S247 1250.2 :

This is a decision on the petition under 37 CFR 1.313(c)(3), filed May 13, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

Petitioner requests that the above-identified application be withdrawn from issue for express abandonment in favor of a continuing application under 37 CFR 1.53(b) filed May 13, 2011, Application No. 13/107,000.

The application is hereby withdrawn from issue, and the abandonment is hereby recognized.

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**THE INVENTION SCIENCE FUND
CLARENCE T. TEGREENE
11235 SE 6TH STREET
SUITE 200
BELLEVUE WA 98004**

MAILED
MAR 16 2011
OFFICE OF PETITIONS

In re Application of	:	
Jung et al.	:	DECISION ON PETITION
Application No. 12/290,538	:	TO WITHDRAW
Filed: October 31, 2008	:	FROM RECORD
Attorney Docket No. 0904-003-010A-C00002	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 26, 2011.

The request is **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:

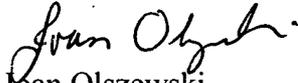
An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

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 an outstanding Office action mailed January 12, 2011 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



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

EASTON L. MANDERSON
SUITE 108
1140 VARNUM STREET, NE
WASHINGTON DC 20017

MAILED
MAR 22 2012
OFFICE OF PETITIONS

In re Application of :
Manderson :
Application No. 12/290,563 : DECISION ON PETITION
Filed: October 31, 2008 :
Attorney Docket No. Manderson-10 :

This is a decision on the petition under the unavoidable provisions of 37 CFR 1.137(a), filed February 24, 2012, to revive the above-identified application.

The petition is **DISMISSED**.

Any further petition to revive must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

This above-identified application became abandoned for failure to timely file a reply to a restriction requirement mailed May 11, 2011. The Office Action set a one (1) month shortened statutory period for reply. No timely extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, this application became abandoned on June 12, 2011. A Notice of Abandonment was mailed on January 18, 2012.

Applicant contends that he relied upon Attorney Kinghorn to prosecute the application. Applicant states that Attorney Kinghorn did not inform applicant that he was no longer following up with the Office. Applicant states that he discovered Attorney Kinghorn did not respond to the May Office action around late July 2011. Applicant states he promptly responded on August 2, 2011. Thereafter, applicant states that he learned that Attorney Kinghorn suffered from depression. Applicant argues that he could not have known that Attorney Kinghorn was suffering from personal problems which prevented him from acting on his behalf in a professional timely manner.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable;

and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d). The instant petition lacks item(s) (3).

As to item (3), petitioner has failed to provide sufficient evidence to warrant a finding that the application was unavoidably delayed.

The Office may revive an abandoned application if the delay in responding to the relevant outstanding office requirement is shown to the satisfaction of the Commissioner to have been "unavoidable." See, 37 CFR § 1.137(a)(3). Decisions on reviving abandoned applications have adopted the reasonably prudent person standard in determining if the delay was unavoidable. Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (Comm'r Pat. 1887) (the term "unavoidable" is applicable to ordinary human affairs, and requires no more greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business."); In re Mattuliath, 38 App. D.C. 497, 514-15 (D.C. Cir. 1912); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (Comm'r Pat. 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). A petition to revive an application as unavoidably abandoned cannot be granted where petitioner has failed to meet his or her burden of establishing the cause of the unavoidable delay. Haines v. Quigg, 673 F. Supp. 314, 5 USPQ2D 1130 (N.D. Ind. 1987).

Petitioner's argument has been considered but deemed not persuasive. It is first noted applicant has failed to provide any evidence to substantiate the claims made in the petition. No evidence has been provided to establish the failure to submit a response was due to the alleged depression of Attorney Kinghorn. A showing of "unavoidable" delay based upon illness must establish that petitioner's incapacitation was of such nature and degree as to render petitioner unable to conduct business (e.g., correspond with the Office) during the period between May 11, 2011 and June 11, 2011. Further, the Office will review the time period until the filing of a grantable petition. Such a showing must be supported by a statement from petitioner's treating physician, and such statement must provide the nature and degree of petitioner's illness during this above-mentioned period.

Nonetheless, a review of the record shows Attorney Kinghorn was applicant's voluntarily chosen representative to prosecute the application. In general, the Office looks to the actions or inactions of duly authorized and voluntarily chosen representatives of the applicant/patentee and their successors, and the applicant/patentee and their successors are bound by the consequences of those actions or inactions. Link v. Wabash, 370 U.S. 626, 633-34 (1962).

Ultimately, petitioner argues that the failure to submit a response to the restriction requirement was due to the failure to communicate with Attorney Kinghorn. It is well established that a failure to communicate between a client and an attorney is not unavoidable delay In re Kim, 12 USPQ2d 1595 (Comm'r Pat. 1988). Specifically, petitioner's delay caused by the mistakes or negligence of his voluntarily chosen representative does not constitute unavoidable delay within the meaning of 35 U.S.C. 133 or 37 CFR 1.137(a). Furthermore, petitioner is reminded that the Patent and Trademark Office is not the proper forum for resolving a dispute between petitioner

and petitioner's representative. See Ray v. Lehman, 55 F.3d 606, 608-09, 34 USPQ2d 1786, 1787 (Fed. Cir. 1995).

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.

As such petitioner has failed to establish 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.

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 \$280 extension of time fee submitted with the petition on February 24, 2012 was subsequent to the maximum extendable period for reply; this fee is unnecessary and will be credited. In addition \$345.00 submitted towards the issue fee is also being refunded as a Notice of Allowance has not been mailed in the instant application.

If petitioner cannot provide the evidence necessary to establish unavoidable delay, or simply does not wish to, petitioner may wish to consider filing a petition 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 \$1,860/\$930 petition fee.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By facsimile: **(571) 273-8300**
 Attn: Office of Petitions

Correspondence regarding this decision may also be filed through the electronic filing system of the USPTO.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.



Charlema Grant
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

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
12/290,566 10/31/2008 Xue-Jun Song PKCC:003US 1728

7590 05/26/2011
SNR DENTON US LLP
P.O. BOX 061080
CHICAGO, IL 60606-1080

EXAMINER

CHERNYSHEV, OLGA N

ART UNIT PAPER NUMBER

1649

MAIL DATE DELIVERY MODE

05/26/2011

PAPER

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

May 26, 2011

SNR DENTON US LLP
P.O. BOX 061080
CHICAGO IL 60606-1080

In re Application of :
Xue-Jun Song : **DECISION ON PETITION**
Application No. 12290566 :
Filed: 10/31/2008 : **ACCEPTANCE OF COLOR**
Attorney Docket No. PKCC:003US : **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 31, 2008.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Don Fairchild/
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DANIEL P. BURKE, ESQ.
DANIEL P. BURKE & ASSOCIATES, PLLC
240 TOWNSEND SQUARE
OYSTER BAY, NY 11771

MAILED

AUG 10 2010

In re Application of
Richard J. Sullivan
Application No. 12/290,568
Filed: October 31, 2008
Attorney Docket No. 11917-2

**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 July 13, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Daniel P. Burke on behalf of himself. Daniel P. Burke has been withdrawn as attorney or agent of record; all other attorneys remain of record.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There is an outstanding Office action mailed May 24, 2010 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: RICHARD J. SULLIVAN
400 TOWN LINE ROAD
SUITE 170
HAUPPAUGE, NY 11788



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
12/290,568	10/31/2008	Richard J. Sullivan	1917-2

CONFIRMATION NO. 8898

POWER OF ATTORNEY NOTICE



81178
Daniel P. Burke, Esq.
Daniel P. Burke & Associates, PLLC
240 Townsend Square
Oyster Bay, NY 11771

Date Mailed: 08/06/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/13/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

Doc Code: PET.AUTO		PTO/SB/83
Document Description: Petition automatically granted by EFS-Web		U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	12290583	
Filing Date	31-Oct-2008	
First Named Inventor	Philip Wiser	
Art Unit	2421	
Examiner Name	DOMINIC SALTARELLI	
Attorney Docket Number	361912.05032	
Title	Remote control unit for a personalized video programming system	
<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:		84666
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	Sezmi Corporation	
Address	1301 Shoreway Road Suite 310	
City	Belmont	
State	CA	
Postal Code	94002	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Marc S. Kaufman/
Name	Marc S. Kaufman
Registration Number	35212



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : February 6, 2012

In re Application of :

Philip Wiser

Application No : 12290583

Filed : 31-Oct-2008

Attorney Docket No : 361912.05032

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 February 6, 2012

The request is **APPROVED**.

The request was signed by Marc S. Kaufman (registration no. 35212) on behalf of all attorneys/agents associated with Customer Number 84666. All attorneys/agents associated with Customer Number 84666 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name Sezmi Corporation
Name2
Address 1 1301 Shoreway Road
Address 2 Suite 310
City Belmont
State CA
Postal Code 94002
Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Steven G. Austin
The Gates Corporation
MS: IP Law Dept. 10-A3
1551 Wewatta Street
Denver CO 80202

MAILED
SEP 27 2010
OFFICE OF PETITIONS

In re Application of :
Jonathan Clark Swift et al. :
Application No. 12/290,605 : DECISION ON PETITION
Filed: October 31, 2008 :
Attorney Docket No. C04-035D :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 9, 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 Allowability mailed on April 6, 2010, which set a period for reply of three (3) months. Accordingly, the application became abandoned on July 7, 2010. A Notice of Abandonment was mailed on July 29, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of corrected drawings, (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay. Accordingly, the corrected drawings are accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Office of Data Management for further processing into a patent.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WILLIAM W. HAEFLIGER
201 S. LAKE AVE
SUITE 512
PASADENA CA 91101

MAILED

MAR 22 2012

OFFICE OF PETITIONS

In re Application of :
Hays, et al. : DECISION ON PETITION
Application No. 12/290,627 :
Filed: November 3, 2008 :
Atty. Dkt. No.: 13,104 :

This is a decision on the petition under 37 CFR 1.137(b), filed March 5, 2012.

The petition is **GRANTED**.

This application became abandoned November 5, 2011 for failure to timely reply to the non-final Office mailed August 4, 2011. The non-final Office action set a three (3) month shortened statutory period of time for reply. Notice of Abandonment was mailed March 2, 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(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).

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 \$635.00 extension of time fee submitted with the petition was subsequent to the maximum extendable period for reply, petitioner may request a refund of this fee by writing to the following address: Mail Stop 16, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. A copy of this decision should accompany petitioner's request.

The instant petition has been carefully reviewed and found in compliance with the requirements set forth above.

In view thereof, this application is being forwarded to Group Art Unit 2813 for further processing.

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

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.
-----------------	-------------	----------------------	---------------------	------------------

12/290,658 10/31/2008 Edward S. Boyden 0508-004-001C-000000 7610

7590 12/21/2010
Searete LLC
1756-114th Ave. S.E.
Suite 110
Bellevue, WA 98004

EXAMINER

RIDER, LANCE W

ART UNIT PAPER NUMBER

1618

MAIL DATE DELIVERY MODE

12/21/2010 PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DEC 21 2010

Searete LLC
1756-114th Ave. S.E.
Suite 110
Bellevue WA 98004

In re Application of: :
Boyden et al. :
Serial No.: 12/290,658 : PETITION DECISION
Filed: October 31, 2008 :
Attorney Docket No.: 0508-004-001C- :
000000 :

This is in response to the Petition filed by applicants under 37 CFR § 1.181 on November 4, 2010, requesting review of the restriction requirement of September 1, 2010.

BACKGROUND

Most recently, on September 1, 2010, the examiner issued a restriction requirement.

On October 1, 2010 applicants set forth their election.

On November 4, 2010, applicants filed a Petition under 37 CFR § 1.181 requesting review of the restriction requirement of September 1, 2010.

Applicants argue "Examiner Rider (the "Examiner") has not met his burden to establish that the claims at issue encompass independent and distinct inventions as required by 35 U.S.C. § 121, and has not established that there would be a serious burden on the Examiner if restriction is not required. In addition, the Examiner has made numerous inconsistent allegations on the record that are not supported by any reasoned basis."

DISCUSSION

The petition and the file history have been carefully considered.

However, on December 8, 2010, the examiner issued a new Office action vacating the first restriction requirement and issued a new restriction requirement rendering the instant petition moot.

DECISION

The petition is **DISMISSED AS MOOT** in view of the new restriction requirement of **December 8, 2010.**

Should there be any questions about this decision please contact Marianne C. Seidel, by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/290,664	10/31/2008	Edward S. Boyden	0508-004-001A-000000	6380
44765	7590	12/21/2010	EXAMINER	
THE INVENTION SCIENCE FUND CLARENCE T. TEGREENE 11235 SE 6TH STREET SUITE 200 BELLEVUE, WA 98004			RIDER, LANCE W	
			ART UNIT	PAPER NUMBER
			1618	
			MAIL DATE	DELIVERY MODE
			12/21/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DEC 21 2010

THE INVENTION SCIENCE FUND
CLARENCE T. TEGREENE
11235 SE 6TH STREET
SUITE 200
BELLEVUE WA 98004

In re Application of: :
Boyden et al. :
Serial No.: 12/290,664 : PETITION DECISION
Filed: October 31, 2008 :
Attorney Docket No.: 0508-004-001A- :
000000 :

This is in response to the Petition filed by applicants under 37 CFR § 1.181 on November 4, 2010, requesting review of the restriction requirement of September 1, 2010.

BACKGROUND

Most recently, on September 1, 2010, the examiner issued a restriction requirement.

On October 1, 2010 applicants set forth their election.

On November 4, 2010, applicants filed a Petition under 37 CFR § 1.181 requesting review of the restriction requirement of September 1, 2010.

Applicants argue "Examiner Rider (the "Examiner") has not met his burden to establish that the claims at issue encompass independent and distinct inventions as required by 35 U.S.C. § 121, and has not established that there would be a serious burden on the Examiner if restriction is not required. In addition, the Examiner has made numerous inconsistent allegations on the record that are not supported by any reasoned basis."

DISCUSSION

The petition and the file history have been carefully considered.

However, on December 8, 2010, the examiner issued a new Office action vacating the first restriction requirement and issued a new restriction requirement rendering the instant petition moot.

DECISION

The petition is **DISMISSED AS MOOT** in view of the new restriction requirement of **December 8, 2010**.

Should there be any questions about this decision please contact Marianne C. Seidel, by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/290,664	10/31/2008	Edward S. Boyden	0508-004-001A-000000	6380
44765	7590	09/22/2011	EXAMINER	
THE INVENTION SCIENCE FUND CLARENCE T. TEGREENE 11235 SE 6TH STREET SUITE 200 BELLEVUE, WA 98004			RIDER, LANCE W	
			ART UNIT	PAPER NUMBER
			1618	
			MAIL DATE	DELIVERY MODE
			09/22/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

SEP 22 2011

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Melanie K. Kitzan Haindfield
THE INVENTION SCIENCE FUND
CLARENCE T. TEGREENE
11235 SE 6TH STREET
SUITE 200
BELLEVUE WA 98004

In re Application of :
Boyden :Decision on Petition
Serial No.:12/290,664 :
Filed: 31 October 2008 :
Attorney Docket No.:0508-004-001A-000000 :

This letter is in response to the Petition filed on 19 April 2011 under 37 C.F.R. 1.144 to request reconsideration of the restriction requirement mailed 8 December 2010.

BACKGROUND

The application, file history and petition have been considered carefully. Applicants request reconsideration of the restriction requirement.

On 1 September 2010, the examiner mailed a restriction requirement stating that Claims 1 and 40 were generic to the following disclosed patentably distinct species: compositions, abrasives, reinforcing agents, detection materials, explosive materials and therapeutic agents and required an election of a species of each.

On 1 October 2010, applicants made an election of composition, abrasive, reinforcing agent, detection material, explosive material and therapeutic agent.

On 4 November 2010, Applicants filed a first petition.

On 8 December 2010, the examiner mailed applicants an Office action which vacated the previous restriction mailed on September 1st 2010 and then set forth another requirement for application to election a single disclose species of reinforcing agents, therapeutic agents and detection materials.

On 21 December 2010, the Office mailed a petition decision dismissing the first petition as “moot in view of the new restriction requirement of December 8, 2010.”

On 7 January 2011, applicants elected, with traverse, the reinforcing species of “metal,” the detection material of “radio frequency identification device” and the therapeutic agent of “antibiotic.”

On 17 March 2011, the examiner mailed a notice of non-responsive or non-compliant amendment, indicating that applicants had not completely or appropriately responded to the restriction requirement.

On 21 December 2011, applicants filed this petition.

DISCUSSION

The file record and prosecution history have been carefully considered.

At the onset, it is noted that the petition under 37 CFR 1.144 is technically premature because it was filed before the examiner has considered the traversal and made the requirement final. However, given the extended history of the instant application, in the interests of compact prosecution, the petition will be decided as though it had been filed under 37 CFR 1.181. In this instance, the petition would have been considered timely under 37 CFR 1.181 because it was filed within two months of an action taken and repeated by the examiner.

Relevant claims are set forth below. It is noted that no amendments have been made to the claims since 26 January 2009.

1. (ORIGINAL) A composition, comprising:
one or more frozen solution particles including one or more reinforcement agents;
wherein the composition is in at least one crystalline or amorphous phase.
6. (ORIGINAL) The composition of claim 1, wherein the one or more reinforcement agents include at least one of a natural, artificial, or synthetic agent.
17. (ORIGINAL) The composition of claim 1, further comprising at least one therapeutic agent.
21. (ORIGINAL) The composition of claim 1, further comprising at least one of a polymer, biopolymer, nanoparticle, or detection material.

22. (ORIGINAL) The composition of claim 21, wherein the detection material includes at least one electronic identification device.

Concerning the election of species requirement, it is noted that:

“In passing upon questions of double patenting and restriction, it is the claimed subject matter that is considered and such claimed subject matter must be compared in order to determine the question of distinctness or independence. However, a provisional election of a single species may be required where only generic claims are presented and the generic claims recite such a multiplicity of species that an unduly extensive and burdensome search is necessary.” See MPEP 806.01.

Here, the generic claims encompass such a multiplicity of species that an unduly extensive and burdensome search would be necessary.

For example, claim 21 is generic to a type of detection material. Page 51-52 of the specification lists a variety of disclosed detection materials, including the elected species of radio frequency identification device.

In certain instances, the detection material provides a “tracer” agent that allows for visualization of one or more locations of administration of the at least one therapeutic composition, or the at least one frozen particle. Thus, in certain instances the detection material is located on the at least one therapeutic composition or the at least one frozen particle. In other instances, the detection material is separate from the at least one therapeutic composition or the at least one frozen particle and forms a mixture with the therapeutic composition or frozen particles or is administered at approximately the same time, in approximately the same place, or in approximately the same manner as the one or more therapeutic compositions or frozen particles.

In at least one embodiment, detection material includes a detectable label including but not limited to, a colorimetric label, a radioactive label, a light-emitting

label (such as a luminescent compound, a fluorescent compound, a phosphorescent compound, or a quantum dot), a nucleic acid label, a protein label, an antibody label, a ligand label, a receptor label, a magnetic label, or other detectable label. In at least one embodiment, the at least one detection material includes but is not limited to at least one electronic identification device. In at least one embodiment, the at least one electronic identification device includes at least one radio frequency identification device.

Page 43 of the specification sets forth the following disclosed “reinforcing agents” including the elected species of metal:

In at least one embodiment disclosed herein, one or more reinforcement agents may be included in the compositions or therapeutic compositions described. Examples of some reinforcement agents include, but are not limited to, polyaramid, vinyl ester matrix, metal, ceramic, fiberglass, cellulose, boron carbide, aromatic polyamide, nylon, silk, rayon, acetate, modacrylic, olefin, acrylic, polyester, aromatic polyester, poly-lactic acid, vinyon, saran, spandex, vinalon, aromatic nylon, vinylidene chloride, modal, polybenzimidazole, sulfur, lyocell, orlon, zylon, high-performance polyethylene, polypyridobenzimidazole, vectran, acrylonitrile rubber, glass, copper, iron, steel, sodium, potassium, calcium, zinc, manganese, carbon, magnesium, alluvium, sand, sugar, calcite, emery, diamond, novaculite, pumice, rouge, borazon, corundum, zirconia alumina, silicon, silica, frozen hydrogen oxide ice, plant matter, animal matter, or mineral matter. In at least one embodiment, plant matter may include vegetable matter, nuts or nut products or pieces (e.g., almonds), grains (e.g., oatmeal), wood (e.g., wood fibers) or other stalk material, leaf matter, fruit matter (including pits or seeds or parts thereof), and other plant material.

Page 46-47 of the specification lists various types of therapeutic agents. The elected species of antibiotic agent is found on page 48, line 6.

In at least one embodiment, the at least one therapeutic agent includes at least one of an anti-tumor agent, antimicrobial agent, anti-viral agent, analgesic, antiseptic, anesthetic, diagnostic agent, anti-inflammatory agent, vaccine, cell growth inhibitor, cell growth promoter, chemical debridement agent, immunogen, antigen, radioactive agent, apoptotic promoting factor, angiogenic factor, anti-angiogenic factor, hormone, enzymatic factor, enzyme, papain, collagenase, protease, peptidase, elastase, urea, vitamin, mineral, nutraceutical, cytokine, chemokine, probiotic, coagulant, anti-coagulant, phage, prodrug, prebiotic, blood sugar stabilizer, smooth muscle cell activator, epinephrine, adrenaline, neurotoxin, neuro-muscular toxin, Botulinum toxin type A, microbial cell or component thereof, or virus or component thereof. In at least one embodiment, the nutraceutical includes one or more of a flavonoid, antioxidant, beta-carotene, anthocyanin, alpha-linolenic acid, omega-3 fatty acids, yeast, bacteria, algae, other microorganisms, plant products, or animal products. In at least one embodiment, the analgesic or anesthetic includes one or more of any aminoamid or aminoester local anesthetic, ibuprofen, morphine, codeine, aspirin, acetaminophen, lidocaine/lignocaine, ropivacaine, mepivacaine, benzocaine, chloroprocaine, cocaine, cyclomethycaine, dimethocaine/larocaine, propoxycaine, procaine/novocaine, proparacaine, tetracaine/amethocaine, articaine, bupivacaine, carticaine, cinchocaine/dibucaine, etidocaine, levobupivacaine, piperocaine, prilocaine, trimecaine, saxitoxin, or tetrodotoxin.

This is an instance where the claims are directed such a multitude of species that it would require a serious burden to examine the claims.

Concerning the propriety of the election, the examiner had taken the position that applicants have failed to make a proper election. Applicant election dated 7 January 2011 indicates the specific embodiments that fall within the generic concepts the examiner required election. For this reason, the election is considered to be a bona fide response and the notice of non-responsive amendment mailed 17 March 2011 is considered unwarranted.

DECISION

Accordingly, the petition under 37 CFR 1.144 is **GRANTED-IN-PART**.

The notice of non-compliant amendment mailed 17 March 2011 is withdrawn.

The election of species requirement mailed 8 December 2010 is maintained.

The application will be forwarded to the Examiner for preparation of an Office action consistent with this decision.

Any request for reconsideration under 37 CFR 1.181 must be mailed within two months of the mail date of this decision.

Should there be any questions regarding this decision, please contact the Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at (571) 272-0512 or by Official Fax at 571-273-8300.



Remy Yucel
Director, Technology Center 1600



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.
12/290,670	10/31/2008	Edward S. Boyden	0508-004-001-000000	8718
44765	7590	09/26/2011	EXAMINER	
THE INVENTION SCIENCE FUND			RIDER, LANCE W	
CLARENCE T. TEGREENE			ART UNIT	PAPER NUMBER
11235 SE 6TH STREET			1618	
SUITE 200			MAIL DATE	DELIVERY MODE
BELLEVUE, WA 98004			09/26/2011 PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

SEP 26 2011

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Melanie K. Kitzan Haindfield
THE INVENTION SCIENCE FUND
CLARENCE T. TEGREENE
11235 SE 6TH STREET
SUITE 200
BELLEVUE WA 98004

In re Application of :
Boyden et al :Decision on Petition
Serial No.:12/290,670 :
Filed: 31 October 2008 :
Attorney Docket No.:0508-004-001-00000 :

This letter is in response to the Petition filed on 2 September 2011 under 37 C.F.R. 1.181 to request reconsideration of the restriction requirement mailed 11 July 2010.

BACKGROUND AND DISCUSSION

The application, file history and petition have been considered carefully.

The petition has been filed after the election yet before any examination on the merits.

As such, the petition is considered premature under 37 CFR 1.144 because it was prepared before the examiner has considered the traversal and made the requirement final. See the first sentence of 37 CFR 1.144 which states:

After a final requirement for restriction, the applicant, in addition to making any reply due on the remainder of the action, may petition the Director to review the requirement.

Similarly, the petition is considered premature under 37 CFR 1.181(c) because it was filed before the examiner had an opportunity to review the request for reconsideration and either repeat or make final the action.

Accordingly, the petition is **DISMISSED**.

The application will be forwarded to the Examiner for consideration of the application, including the papers filed on 11 August 2011 and 2 September 2011 and the various IDSs filed, for preparation of an Office action consistent with this decision.

Should the examiner repeat the requirement, applicants may file a petition under 37 CFR 1.181 within two months of the repeated action for reconsideration of the requirement. Alternatively, should the examiner make the restriction requirement final, applicants may defer filing a petition under 37 CFR 1.144 until after final action on or allowance of claims to the invention elected, but to be timely it must be filed no later than the filing of the notice of appeal.

Should there be any questions regarding this decision, please contact Quality Assurance Specialist Julie Burke, by mail addressed to Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at (571) 272-1600 or by Official Fax at 571-273-8300.



Remy Yucel
Director, Technology Center 1600



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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.
12/290,671	10/31/2008	Edward S. Boyden	0508-004-002-000000	1405
44765	7590	12/21/2010	EXAMINER	
THE INVENTION SCIENCE FUND CLARENCE T. TEGREENE 11235 SE 6TH STREET SUITE 200 BELLEVUE, WA 98004			RIDER, LANCE W	
			ART UNIT	PAPER NUMBER
			1618	
			MAIL DATE	DELIVERY MODE
			12/21/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DEC 21 2010

THE INVENTION SCIENCE FUND
CLARENCE T. TEGREENE
11235 SE 6TH STREET
SUITE 200
BELLEVUE WA 98004

In re Application of: :
Boyden et al. :
Serial No.: 12/290,671 : PETITION DECISION
Filed: October 31, 2008 :
Attorney Docket No.: 0508-004-002-000000 :

This is in response to the Petition filed by applicants under 37 CFR § 1.181 on November 4, 2010, requesting review of the restriction requirement of September 1, 2010.

BACKGROUND

Most recently, on September 1, 2010, the examiner issued a restriction requirement.

On October 1, 2010 applicants set forth their election.

On November 4, 2010, applicants filed a Petition under 37 CFR § 1.181 requesting review of the restriction requirement of September 1, 2010.

Applicants argue "Examiner Rider (the "Examiner") has not met his burden to establish that the claims at issue encompass independent and distinct inventions as required by 35 U.S.C. § 121, and has not established that there would be a serious burden on the Examiner if restriction is not required. In addition, the Examiner has made numerous inconsistent allegations on the record that are not supported by any reasoned basis."

DISCUSSION

The petition and the file history have been carefully considered.

However, on December 9, 2010, the examiner issued a new Office action vacating the first restriction requirement and issued a new restriction requirement rendering the instant petition moot.

DECISION

The petition is **DISMISSED AS MOOT** in view of the new restriction requirement of **December 9, 2010.**

Should there be any questions about this decision please contact Marianne C. Seidel, by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/290,671	10/31/2008	Edward S. Boyden	0508-004-002-000000	1405
44765	7590	12/07/2011	EXAMINER	
THE INVENTION SCIENCE FUND			RIDER, LANCE W	
CLARENCE T. TEGREENE			ART UNIT	PAPER NUMBER
11235 SE 6TH STREET			1618	
SUITE 200			MAIL DATE	DELIVERY MODE
BELLEVUE, WA 98004			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
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DEC - 7 2011

Melanie K. Kitzan Haindfield
THE INVENTION SCIENCE FUND
CLARENCE T. TEGREENE
11235 SE 6TH STREET
SUITE 200
BELLEVUE WA 98004

In re Application of :
Boyden : Decision on Petition
Serial No.:12/290671 :
Filed: 31 October 2008 :
Attorney Docket No.:0508-004-002-000000 :

This letter is in response to the Petition filed on 04/19/2011 under 37 C.F.R. 1.144 to request reconsideration of the restriction requirement mailed 09 December 2010.

BACKGROUND

The application, file history and petition have been considered carefully. Applicants request reconsideration of the restriction requirement.

This application was filed on 31 October 2008 and contained no claim for benefit of an earlier U.S. application nor contained any claim for foreign priority.

On 09 January 2010, the examiner mailed a restriction requirement stating that Claims 1 - 42 were generic to patentably distinct species for the therapeutic agent, the reinforcing agent and the detection material. All of the claims required a therapeutic agent. Claims 8, 9, 10 and 11 recite compounds that may be included as a therapeutic agent. Claim 23 recites the substances that may act as reinforcement agents. Claim 26 recites the further inclusion of a detection material, which are enumerated in claims 27-36. The examiner exemplified representative species for each genus, such as paclitaxel as the therapeutic agent, ³²P as the detection material and cellulose as the reinforcing agent. Each of these species is recited in one of the claims identified above. The examiner then indicated that applicant was free to select a disclosed species for each of the genera of therapeutic agents, reinforcing agents, and detection materials.

On 07 January 2011, applicants made an election of cellulose as the reinforcing agent, vaccine as the therapeutic agent, and ³²P as the detection material.

On 25 March 2011, the examiner mailed applicants an Office action acknowledging the elections by applicants and responding to the arguments of traverse. The examiner provided explanations as to why each species within the identified genus was independent or distinct, such as different chemical structure and mutually exclusive functions. The examiner made the restriction requirement final in the Office action.

On 19 April 2011, applicants filed this petition.

DISCUSSION

The file record and prosecution history have been carefully considered.

The petition under 37 CFR 1.144 is timely because it was filed after the restriction requirement was made final but before appeal.

Relevant claims are set forth below. These claims include an amendment filed 20 September 2011.

1. (CURRENTLY AMENDED) A therapeutic composition, comprising: one or more frozen hydrogen oxide particles including at least one non-ice therapeutic agent; wherein the one or more hydrogen oxide particles are in one or more phases including at least one of amorphous solid water, low density amorphous ice, high density amorphous ice, very high density amorphous ice, clathrate ice, hyperquenched glassy water, ice II, ice III, ice IV, ice V, ice VI, ice VII, ice VIII, ice IX, ice X, ice XI, ice XII, ice XIII, ice XIV, or ice XV.

8. (CURRENTLY AMENDED) The therapeutic composition of claim 7, wherein the at least one non-ice therapeutic agent includes at least one of an anti-tumor agent, antimicrobial agent, anti-viral agent, analgesic, antiseptic, anesthetic, diagnostic agent, anti-inflammatory agent, vaccine, cell growth inhibitor, cell growth promoter, immunogen, antigen, radioactive agent, apoptotic promoting factor, enzymatic agent, angiogenic factor, anti-angiogenic factor, hormone, vitamin, mineral, nutraceutical, cytokine, chemokine, probiotic, coagulant, anti-coagulant, phage, prodrug, prebiotic, blood sugar stabilizer, smooth muscle cell activator, epinephrine, adrenaline, neurotoxin, neuro-muscular toxin, Botulinum toxin type A, microbial cell or component thereof, or virus or component thereof.

20. (ORIGINAL) The therapeutic composition of claim 1, further comprising one or more reinforcement agents.

23. (CURRENTLY AMENDED) The therapeutic composition of claim 20, wherein the one or more reinforcement agents include one or more of polyaramid, vinyl ester matrix, metal, ceramic, fiberglass, cellulose, broad carbide, aromatic polyamide,

nylon, silk, rayon, acetate, modacrylic, olefin, acrylic, polyester, aromatic polyester, poly-lactic acid, vinyon, saran, spandex, vinalon, aromatic nylon, vinylidene chloride, modal, polybenzimidazole, sulfur, lyocell, orlon, zylon, high-performance polyethylene, polypyridobenzimidazole, vectran, acrylonitrile rubber, glass, copper, iron, steel, sodium, potassium, calcium, zinc, manganese, carbon, magnesium, silicon, silica, ~~frozen hydrogen oxide~~ ice, plant matter, animal matter, or mineral matter.

26. (ORIGINAL) The therapeutic composition of claim 1, further comprising at least one of a polymer, biopolymer, nanoparticle, or detection material.

30. (ORIGINAL) The therapeutic composition of claim 29, wherein the at least one radioactive element includes one or more of ^{32}P , ^{35}S , ^{13}C , ^{131}I , ^{191}Ir , ^{192}Ir , ^{193}Ir , ^{201}Tl , or ^3H .

Concerning the election of species requirement, it is noted that:

“In passing upon questions of double patenting and restriction, it is the claimed subject matter that is considered and such claimed subject matter must be compared in order to determine the question of distinctness or independence. However, a provisional election of a single species may be required where only generic claims are presented and the generic claims recite such a multiplicity of species that an unduly extensive and burdensome search is necessary.” See MPEP 806.01.

MPEP 808.01(a) states that “restriction cannot be required unless the generic claims recite or encompass such a multiplicity of species that an unduly extensive and burdensome search would be necessary to search the entire scope of the claim. Here, the generic claims encompass such a multiplicity of species that an unduly extensive and burdensome search would be necessary. For example, claim 23, as currently amended, recites a list of approximately 50 re-enforcing agents. Additional re-enforcing agents are found on page 7 of the specification including the elected species of cellulose:

In at least one embodiment, the one or more reinforcement agents include at least one of a natural, artificial, or synthetic agent. In at least one embodiment, the one or more reinforcement agents include at least one of a plate, fiber, or spheroid. In at least one embodiment, the one or more reinforcement agents include one or more of polyaramid, vinylester matrix, metal, ceramic, fiberglass, cellulose, boron carbide, aromatic polyamide, nylon, silk, rayon, acetate, modacrylic, olefin, acrylic, polyester, aromatic polyester, poly-lactic acid, vinyon, saran, spandex, vinalon, aromatic nylon, vinylidene chloride, modal, polybenzimidazole, sulfur, lyocell, orlon, zylon, high-performance polyethylene, polypyridobenzimidazole, vectran, acrylonitrile rubber, glass, copper, iron, steel, sodium, potassium, calcium, zinc, manganese, carbon, magnesium, silicon, silica, hydrogen oxide ice, plant matter (including vegetable matter), animal matter, or mineral matter. In at least one embodiment, the one or more reinforcement agents are located at least on the surface or beneath the surface of the particle. In at least one embodiment, the one or more reinforcement agents are located within the particle.

Similarly, Claim 8, as currently amended, recites an extensive list of about 40 different therapeutic agents. Page 8 of the specification lists types of therapeutic agents. The elected species of vaccine is found on page 8 of the specification:

In at least one embodiment, the at least one therapeutic agent includes at least one of an anti-tumor agent, antimicrobial agent, anti-viral agent, analgesic, antiseptic, anesthetic, diagnostic agent, anti-inflammatory agent, vaccine, cell growth inhibitor, cell growth promoter, immunogen, antigen, radioactive agent, apoptotic promoting factor, angiogenic factor, anti-angiogenic factor, hormone, vitamin, mineral, nutraceutical, cytokine, chemokine, probiotic, coagulant, anti-coagulant, phage, prodrug, prebiotic, blood sugar stabilizer, smooth muscle cell activator, epinephrine, adrenaline, neurotoxin, neuro-muscular toxin, Botulinum toxin type A, microbial cell or component thereof, or virus or component thereof.

In at least one embodiment, the antimicrobial agent includes at least one of an anti-fungal agent, antibiotic agent, anti-parasitic agent, or anti-worm agent. In at least one embodiment, the at least one anti-tumor agent includes one or more of an alkylating agent, antimetabolite, anthracycline, plant alkaloid, topoisomerase inhibitor, monoclonal antibody, or tyrosine kinase inhibitor. In at least one embodiment, the at least one plant alkaloid includes paclitaxel.

In at least one embodiment, the at least one therapeutic agent includes one or more of a prodrug or precursor compound. In at least one embodiment, the at least one therapeutic agent is activated by delivery of the therapeutic composition to at least one biological tissue.

Applicants argue that the examiner did not show that there would be a serious burden on the examiner if restriction was not required. A search and examination of the species identified above would be unduly burdensome, as evidenced by the divergent classification of the species. An antibody is classified in class 530, subclass 134.1, microbial cells are classified in class 530, subclass 93.1, cytokines would be included in lymphokines in class 424, subclass 84, for examples. The species of re-enforcing agents and detecting agents would be similarly classed in different class and subclasses and burdensome to examine together.

Applicants assert that the Examiner has based the restriction requirement on what was disclosed rather than what is claimed. However, it is noted that the Examiner provided examples of species based upon specifically-claimed embodiments. See for example, claims 8, 23 and 30. Each of these claims recites claimed alternative embodiments that represent the claimed genera.

Applicant argues that it is improper to require Petitioner to elect a species as indicated in the Office Action, when the Examiner failed to attribute any particular claims to the designated species group. Applicants acknowledge that the MPEP, specifically from paragraphs 8.01 and 8.02, do not require that the Examiner attribute any particular claims to the designated species and in fact require Applicants to identify those claims once an election has been made. The Applicants assert that this is not in accord with the Rules or Statutes; however Applicants fail to

identify any proscription of such that is found in either the rules or the statutes. As noted by Applicants on page 5 of the petition, 35 USC 121 provides authority for restriction of applications, 37 CFR 1.146 provides the examiner with the authority to effect such restriction via an election of species and the purpose of the MPEP to provide examiners with guidance on examination procedures, including requirements for restriction and elections of species.

Concerning the propriety of the election of species, the examiner has complied with Office procedure as directed in MPEP 806.04, and 37 CFR 1.146.

DECISION

Accordingly, the petition under 37 CFR 1.144 is **DENIED**.

The election of species requirement mailed 20 January 2011 is maintained.

Claims 9-11, 27-28 and 31-36 remain withdrawn from examination as being directed to non-elected species, there being no allowable generic claim.

The application will be forwarded to the Examiner for consideration of the papers filed 20 September 2011 and for preparation of an Office action consistent with this decision.

Any request for reconsideration under 37 CFR 1.181 must be mailed within two months of the mail date of this decision.

Should there be any questions regarding this decision, please contact Quality Assurance Specialist Jean Witz by mail addressed to the Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at (571) 272-0512 or by Official Fax at 571-273-8300.



Remy Yucel
Director, Technology Center 1600



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.
12/290,683	10/31/2008	Edward S. Boyden	0508-004-002A-000000	6301
44765	7590	11/23/2011	EXAMINER RIDER, LANCE W	
THE INVENTION SCIENCE FUND CLARENCE T. TEGREENE 11235 SE 6TH STREET SUITE 200 BELLEVUE, WA 98004			ART UNIT 1618	PAPER NUMBER
			MAIL DATE 11/23/2011	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 PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

NOV 23 2011

Melanie K. Kitzan Haindfield
THE INVENTION SCIENCE FUND
CLARENCE T. TEGREENE
11235 SE 6TH STREET
SUITE 200
BELLEVUE WA 98004

In re Application of :
Boyden :Decision on Petition
Serial No.:12/290683 :
Filed: 31 October 2008 :
Attorney Docket No.:0508-004-002A-000000 :

This letter is in response to the Petition filed on 09/27/2011 under 37 C.F.R. 1.144 to request reconsideration of the restriction requirement mailed 01 January 2010.

BACKGROUND

The application, file history and petition have been considered carefully. Applicants request reconsideration of the restriction requirement.

This application was filed on 31 October 2008 and contained to claim for benefit of an earlier U.S. application nor contained any claim for foreign priority.

On 01 January 2011, the examiner mailed a restriction requirement stating that Claims 1 - 40 were generic to patentably distinct species for the therapeutic agent, the reinforcing agent and the detection material. All of the claims required a therapeutic agent. Claims 5, 6, 7, 8, 9, and 11 recite compounds that may be included as a therapeutic agent. Claim 18 and those claims which depend upon claim 18 recite the presence of a reinforcing agent. The reinforcement agents are recited in claim 21. Claim 24 recites the further inclusion of a detection material, which are enumerated in claims 25-34. The examiner exemplified representative species for each genus, such as paclitaxel as the therapeutic agent, ³²P as the detection material and cellulose as the reinforcing agent. Each of these species is recited in one of the claims identified above. The examiner then indicated that applicant was free to select a disclosed species for each of the genera of therapeutic agents, reinforcing agents, and detection materials.

On 05 February 2011, applicants made an election of plant matter as the reinforcing agent, an anti-tumor agent as the therapeutic agent, and an electronic identification device as the detection device.

On 28 April 2011, the examiner mailed applicants an Office action acknowledging the elections by applicants and responding to the arguments of traverse. The examiner provided explanations as to why each species within the identified genus was independent or distinct, such as different chemical structure and mutually exclusive functions. The examiner noted that applicants actually elected subgeneric groups rather than individual species, but acceded to this selection due to the lack of burden of search within each subgenus. The examiner made the restriction requirement final in the Office action.

On 27 September 2011, applicants filed this petition.

DISCUSSION

The file record and prosecution history have been carefully considered.

The petition under 37 CFR 1.144 is timely because it was filed after the restriction requirement was made final but before appeal.

Relevant claims are set forth below. These claims include an amendment filed 27 September 2011.

1. (CURRENTLY AMENDED) A therapeutic Composition, comprising: one or more frozen solution particles including at least one non-ice therapeutic agent; wherein the one or more frozen solution particles have at least one major dimension of approximately one centimeter or less, approximately one millimeter or less, approximately one micrometer or less, approximately one nanometer or less; or any value therebetween.

6. (CURRENTLY AMENDED) The therapeutic composition of claim 1, wherein the at least one non-ice therapeutic agent includes at least one of an anti-tumor agent, antimicrobial agent, anti-viral agent, analgesic, antiseptic, anesthetic, diagnostic agent, anti-inflammatory agent, vaccine, cell growth inhibitor, cell growth promoter, immunogen, antigen, radioactive agent, apoptotic promoting factor, angiogenic factor, anti-angiogenic factor, hormone, vitamin, mineral, nutraceutical, cytokine, chemokine, probiotic, coagulant, anti-coagulant, phage, prodrug, prebiotic, blood sugar stabilizer, smooth muscle cell activator, epinephrine, adrenaline, neurotoxin, neuro-muscular toxin, Botulinum toxin type A, microbial cell or component thereof, or virus orrotoxin, neuro-muscular toxin, microbial cell or component thereof, or virus or component thereof.

18. (CURRENTLY AMENDED) The therapeutic composition of claim 1, further comprising one or more non-ice reinforcement agents.

21. (CURRENTLY AMENDED) The therapeutic composition of claim 18, wherein the one or more non-ice reinforcement agents include at least one of polyaramid, vinylester matrix, metal, ceramic, fiberglass, cellulose, broad carbide, aromatic polyamide, nylon, silk, rayon, acetate, modacrylic, olefin, acrylic, polyester, aromatic polyester, poly-lactic acid, vinyon, saran, spandex, vinalon, aromatic nylon, vinylidene chloride, modal, polybenzimidazole, sulfur, lyocell, orlon, zylon, high-performance polyethylene, polypyridobenzimidazole, vectran, acrylonitrile rubber, glass, copper, iron, steel, sodium, potassium, calcium, zinc, manganese, carbon, magnesium, silicon, silica, ~~frozen hydrogen oxide ice~~, plant matter, animal matter, or mineral matter.

Concerning the election of species requirement, it is noted that:

“In passing upon questions of double patenting and restriction, it is the claimed subject matter that is considered and such claimed subject matter must be compared in order to determine the question of distinctness or independence. However, a provisional election of a single species may be required where only generic claims are presented and the generic claims recite such a multiplicity of species that an unduly extensive and burdensome search is necessary.” See MPEP 806.01.

MPEP 808.01(a) states that “restriction cannot be required unless the generic claims recite or encompass such a multiplicity of species that an unduly extensive and burdensome search would be necessary to search the entire scope of the claim. Here, the generic claims encompass such a multiplicity of species that an unduly extensive and burdensome search would be necessary. For example, claim 21, as currently amended, recites a list of 50 re-enforcing agents. Additional re-enforcing agents are found on page 39 of the specification including the elected species of plant matter:

In at least one embodiment disclosed herein, one or more reinforcement agents may be included in the compositions or therapeutic compositions described. Examples of some reinforcement agents include, but are not limited to, polyaramid, vinyl ester matrix, metal, ceramic, fiberglass, cellulose, boron carbide, aromatic polyamide, nylon, silk, rayon, acetate, modacrylic, olefin, acrylic, polyester, aromatic polyester, poly-lactic acid, vinyon, saran, spandex, vinalon, aromatic nylon, vinylidene chloride, modal, polybenzimidazole, sulfur, lyocell, orlon, zylon, high-performance polyethylene, polypyridobenzimidazole, vectran, acrylonitrile rubber, glass, copper, iron, steel, sodium, potassium, calcium, zinc, manganese, carbon, magnesium, alluvium, sand, sugar, calcite, emery, diamond, novaculite, pumice, rouge, borazon, corundum, zirconia alumina, silicon, silica, frozen hydrogen oxide ice, plant matter, animal matter, or mineral matter. In at least one embodiment, plant matter may include vegetable matter, nuts or nut products or pieces (e.g., almonds), grains (e.g., oatmeal), wood (e.g., wood fibers) or other stalk material, leaf matter, fruit matter (including pits or seeds or parts thereof), and other plant material.

Similarly, Claim 6, as currently amended, recites an extensive list of about 40 different therapeutic agents. Page 42-46 of the specification lists additional lengthy types of therapeutic agents. The elected species of anti-tumor agent is found on pages 42-43 of the specification:

In at least one embodiment, the at least one therapeutic agent includes at least one of an anti-tumor agent, antimicrobial agent, anti-viral agent, analgesic, antiseptic, anesthetic, diagnostic agent, anti-inflammatory agent, vaccine, cell growth inhibitor, cell growth promoter, chemical debridement agent, immunogen, antigen, radioactive agent, apoptotic promoting factor, angiogenic factor, anti-angiogenic factor, hormone, enzymatic factor, enzyme, papain, collagenase, protease, peptidase, elastase, urea, vitamin, mineral, nutraceutical, cytokine, chemokine, probiotic, coagulant, anti-coagulant, phage, prodrug, prebiotic, blood sugar stabilizer, smooth muscle cell activator, epinephrine, adrenaline, neurotoxin, neuro-muscular toxin, Botulinum toxin type A, microbial cell or component thereof, or virus or component thereof. In at least one embodiment, the nutraceutical includes one or more of a flavonoid, antioxidant, beta-carotene, anthocyanin, alpha-linolenic acid, omega-3 fatty acids, yeast, bacteria, algae, other microorganisms, plant products, or animal products. In at least one embodiment, the analgesic or anesthetic includes one or more of any aminoamid or aminoester local anesthetic, ibuprofen, morphine, codeine, aspirin, acetaminophen, lidocaine/lignocaine, ropivacaine, mepivacaine, benzocaine, chloroprocaine, cocaine, cyclomethycaine, dimethocaine/larocaine, propoxycaine, procaine/novocaine, proparacaine, tetracaine/amethocaine, articaine, bupivacaine, carticaine, cinchocaine/dibucaine, etidocaine, levobupivacaine, piperocaine, prilocaine, trimecaine, saxitoxin, or tetrodotoxin.

A search and examination of these species would be unduly burdensome, as evidenced by the divergent classification of the species. An antibody is classified in class 530, subclass 134.1, microbial cells are classified in class 530, subclass 93.1, cytokines would be included in lymphokines in class 424, subclass 84, for examples. The species of re-enforcing agents would be similarly classed in different class and subclasses and burdensome to examine together.

Applicants assert in their petition that “the Examiner has applied a series of restriction requirement to the claims at issue without establishing that such a restriction requirement/election of species is necessary.” See page 3 of the petition. This has not been found persuasive because, as noted above, the Examiner required an election of species for three generic components of the claims: the therapeutic agent, the reinforcing agent and the detection material. The examiner provided examples of species from those listed to indicate the species populating each genus, and then invited the applicants to elect one from each genus for examination. The examiner also provided explanations as to why the individual species were not obvious variants of each other due to their mutually exclusive characteristics requiring a different field of search. See the Restriction Requirement, page 2.

Further, Applicants assert that the Examiner has based the restriction requirement on what was disclosed rather than what is claimed. However, it is noted that the Examiner provided examples of species based upon specifically-claimed embodiments. See for example, claims 6, 9, 21 and 28. Each of these claims recites claimed alternative embodiments that represent the claimed genera.

Applicant argues that it is improper to require Petitioner to elect a species as indicated in the Office Action, when the Examiner failed to attribute any particular claims to the designated species group. Applicants acknowledge that the MPEP, specifically from paragraphs 8.01 and 8.02 do not require that the Examiner attribute any particular claims to the designated species and in fact require Applicants to identify those claims once an election has been made. The Applicants assert that this is not in accord with the Rules or Statutes; however Applicants fail to identify any proscription of such that is found in either the rules or the statutes. As noted by Applicants on page 5 of the petition, 35 USC 121 provides authority for restriction of applications, 37 CFR 1.146 provides the examiner with the authority to effect such restriction via an election of species and the purpose of the MPEP to provide examiners with guidance on examination procedures, including requirements for restriction and elections of species.

Concerning the propriety of the election of species, the examiner has complied with Office procedure as directed in MPEP 806.04, and 37 CFR 1.146.

DECISION

Accordingly, the petition under 37 CFR 1.144 is **DENIED**.

The election of species requirement mailed 20 January 2011 is maintained.

Claims 7 and 27-34 remain withdrawn from examination as being directed to non-elected species, there being no allowable generic claim.

The application will be forwarded to the Examiner for consideration of the papers filed 27 September 2011 and for preparation of an Office action consistent with this decision.

Any request for reconsideration under 37 CFR 1.181 must be mailed within two months of the mail date of this decision.

Should there be any questions regarding this decision, please contact Quality Assurance Specialist Jean Witz by mail addressed to the Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at (571) 272-0512 or by Official Fax at 571-273-8300.


Remy Yucel
Director, Technology Center 1600



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.
12/290,685	10/31/2008	Edward S. Boyden	0508-004-002B-000000	8057

44765 7590 10/21/2011
THE INVENTION SCIENCE FUND
CLARENCE T. TEGREENE
11235 SE 6TH STREET
SUITE 200
BELLEVUE, WA 98004

EXAMINER

RIDER, LANCE W

ART UNIT	PAPER NUMBER
1618	

MAIL DATE	DELIVERY MODE
10/21/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Melanie K. Kitzan Haindfield
THE INVENTION SCIENCE FUND
CLARENCE T. TEGREENE
11235 SE 6TH STREET
SUITE 200
BELLEVUE WA 98004

In re Application of :
Boyden et al : Decision on Petition
Serial No.:12/290,685 :
Filed: 31 October 2008 :
Attorney Docket No.:0508-004-002B-00000 :

This letter is in response to the Petition filed on 2 September 2011 under 37 C.F.R. 1.181 to request reconsideration of the restriction requirement mailed 7 July 2011.

BACKGROUND AND DISCUSSION

The application, file history and petition have been considered carefully.

The petition has been filed after the election yet before any examination on the merits.

As such, the petition is considered premature under 37 CFR 1.144 because it was prepared before the examiner has considered the traversal and made the requirement final. See the first sentence of 37 CFR 1.144 which states:

After a final requirement for restriction, the applicant, in addition to making any reply due on the remainder of the action, may petition the Director to review the requirement.

Similarly, the petition is considered premature under 37 CFR 1.181(c) because it was filed before the examiner had an opportunity to review the request for reconsideration and either repeat or make final the action.

Accordingly, the petition is **DISMISSED**.

The application will be forwarded to the Examiner for consideration of the application, including the papers filed on 8 August 2011 and the various IDSs filed, for preparation of an Office action consistent with this decision.

Should the examiner repeat the requirement, applicants may file a petition under 37 CFR 1.181 within two months of the repeated action for reconsideration of the requirement. Alternatively, should the examiner make the restriction requirement final, applicants may defer filing a petition under 37 CFR 1.144 until after final action or allowance of claims to the invention elected, but to be timely it must be filed no later than the filing of any notice of appeal.

Should there be any questions regarding this decision, please contact Quality Assurance Specialist Julie Burke, by mail addressed to Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at (571) 272-1600 or by Official Fax at 571-273-8300.



Remy Yucel
Director, Technology Center 1600



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DILWORTH & BARRESE, LLP
1000 WOODBURY ROAD
SUITE 405
WOODBURY NY 11797

MAILED
MAY 20 2011
OFFICE OF PETITIONS

In re Application of :
GARDEGA :
Application No. 12/290,726 : **DECISION ON PETITION**
Filed: November 3, 2008 : **TO WITHDRAW**
Attorney Docket No. 1206-40 : **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 6, 2011.

The request is **NOT APPROVED**.

The request to withdraw from record cannot be approved because the change of address for future communication from the Office cannot be accepted, since the address is that of an assignee who has not properly become of record under 37 CFR 3.71. An assignee becomes of record by submitting a proper statement under 37 CFR 3.73(b). Please see 37 CFR 3.71. To expedite the review and processing of any future Request to Withdraw from record, any future submissions should include a proper statement under 37 CFR 3.73(b), if the change of address is to an assignee.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272- 6735.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc: **XIOM CORP.**
78 LAMAR STREET
WEST BABYLON NY 11704



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DILWORTH & BARRESE, LLP
1000 WOODBURY ROAD
SUITE 405
WOODBURY NY 11797

MAILED
JUN 23 2011
OFFICE OF PETITIONS

In re Application of	:	
GARDEGA	:	
Application No. 12/290,726	:	DECISION ON PETITION
Filed: November 3, 2008	:	TO WITHDRAW
Attorney Docket No. 1206-40	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 10, 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 Leo G. Lenna on behalf of the attorneys of record associated with Customer No. 28249.

The attorneys of record associated with Customer No. 28249 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc: THOMAS GARDEGA
200 LANDMARK ROAD
CONWAY SC 29527



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
12/290,726	11/03/2008	Thomas Gardega	1206-40

CONFIRMATION NO. 2574

POWER OF ATTORNEY NOTICE



28249
DILWORTH & BARRESE, LLP
1000 WOODBURY ROAD
SUITE 405
WOODBURY, NY 11797

Date Mailed: 06/22/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/10/2011.

- 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



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**CROWELL ING, LLP
P. O. BOX 923
SALEM OR 97308-0923**

MAILED

MAR 11 2011

OFFICE OF PETITIONS

In re Application of :
Michael Steven Hargett :
Application No. 12/290,740 : **DECISION ON PETITION**
Filed: October 31, 2008 : **TO WITHDRAW FROM RECORD**
Attorney Docket No. Hargett 10-81906 :
:

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 **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 Nye Wang on behalf of all attorneys of record who are associated with Customer Number 45804.

All attorneys/agents associated with the Customer Number 45804 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, the above-identified application is abandoned.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.



Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Michael Steven Hargett
5095 Cultus Ave SE
Salem, OR 97306



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

NOVARTIS VACCINES AND DIAGNOSTICS INC.
INTELLECTUAL PROPERTY- X100B
P.O. BOX 8097
Emeryville CA 94662-8097

MAILED

DEC 06 2010

OFFICE OF PETITIONS

In re Application of :
John D. Barackman et al. :
Application No. 12/290,741 : **DECISION ON PETITION**
Filed: November 3, 2008 :
Attorney Docket No. **PP001655.000?** :
(2300-1655.

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.

There is no indication that the petition is signed by a registered patent attorney or patent agent of record. However, in accordance with 37 CFR 1.34, the signature of Roberta L. Robins appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts. If, Roberta L. Robins desires to receive correspondence regarding this file, the appropriate power of attorney documents must be submitted. A courtesy copy of this decision is being mailed to Roberta L. Robins, the petitioner herein. However, until otherwise instructed, all future correspondence regarding this application file will be directed solely to the above-noted correspondence address of record.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement, mailed April 2, 2010, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 3, 2010.

The petition is hereby **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Election, (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571)272-4584.

This application is being referred to Technology Center AU 1645 for appropriate action by the Examiner in the normal course of business on the reply received.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Roberta L. Robins
ROBINS & PASTERNAK LLP
1731 Embarcadero Road, Suite 230
Palo Alto, CA 94303



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

SEP 14 2010

OFFICE OF PETITIONS

Donald M. Toney
2697 Forbestown Road
Oroville CA 95966

In re Application of :
Donald M. TONEY :
Application No. 12/290,748 : ON PETITION
Filed: November 3, 2008 :
Attorney Docket No. N/A :

This is a decision on the petition under 37 CFR 1.181, filed August 9, 2010, requesting withdrawal of the Notice of Abandonment mailed August 4, 2010. This is also a decision on the renewed petition under 37 CFR 1.102(c)(1), filed January 21, 2009, 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 petitions are **GRANTED**.

With respect to the petition under 37 CFR 1.181

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed December 16, 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 above-identified application became abandoned March 17, 2010.

Petitioner asserts the Notice of Abandonment mailed August 4, 2010 be withdrawn as petitioner never received the non-final Office action mailed December 16, 2009.

To support this assertion petitioner has submitted: (1) a statement from the practitioner stating that the Office communication 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 communication was not received; and (2) a copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed. Accordingly, it is concluded that petitioner never received the non-final Office action mailed December 16, 2009.

In view of the above, the holding of abandonment is hereby withdrawn, and the application restored to pending status.

With respect to the petition under 37 CFR 1.102(c)(1)

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 Donald M. Toney 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 the undersigned at (571) 272-7099.

The application file is being referred to Technology Center Art Unit for re-mailing of the non-final Office action of December 16, 2009.


David Bucc
Petitions Examiner
Office of Petitions


UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

BIB DATA SHEET
CONFIRMATION NO. 8984

SERIAL NUMBER	FILING or 371(c) DATE RULE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.		
12/290,778	11/03/2008	435	1641	178-08		
APPLICANTS Indraneel Ghosh, Tucson, AZ; Cliff I. Stains, Melrose, MA; Jason R. Porter, Tucson, AZ; Benjamin Jester, Tucson, AZ; Jennifer Furman, Tucson, AZ;						
** CONTINUING DATA ***** This appln claims benefit of 61/001,370 11/01/2007 and claims benefit of 61/072,581 04/01/2008 and claims benefit of 61/072,616 04/01/2008						
** FOREIGN APPLICATIONS *****						
** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** ** SMALL ENTITY ** 01/14/2009						
Foreign Priority claimed 35 USC 119(a-d) conditions met Verified and Acknowledged	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No /LISA V COOK/ Examiner's Signature	<input type="checkbox"/> Met after Allowance Initials	STATE OR COUNTRY AZ	SHEETS DRAWINGS 23	TOTAL CLAIMS 25	INDEPENDENT CLAIMS 2
ADDRESS GREENLEE SULLIVAN P.C. 4875 PEARL EAST CIRCLE SUITE 200 BOULDER, CO 80301 UNITED STATES						
TITLE Cell free methods for detecting protein-ligand binding						
FILING FEE RECEIVED 875	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			



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.
12/290,778	11/03/2008	Indraneel Ghosh	178-08	8984

23713 7590 04/04/2012
GREENLEE SULLIVAN P.C.
4875 PEARL EAST CIRCLE
SUITE 200
BOULDER, CO 80301

EXAMINER

COOK, LISA V

ART UNIT	PAPER NUMBER
1641	

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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

April 4, 2012

GREENLEE SULLIVAN P.C.
4875 PEARL EAST CIRCLE
SUITE 200
BOULDER CO 80301

In re: Application of :
GHOSH, INDRANEEL et al : **DECISION ON PETITION**
Application No. 12/290,778 :
Filed: 11/03/2008 : **ACCEPTANCE OF COLOR**
Attorney Docket No. 178-08 : **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) November 03, 2008.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, (One (1) set for EFW filings, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was accompanied by all of the requirements above. Therefore, the petition is **GRANTED**.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Diane Terry/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CLYDE L. TICHENOR
P.O. BOX 734
SOMIS CA 93066

MAILED
AUG 29 2011
OFFICE OF PETITIONS

In re Application of :
TICHENOR, Clyde L. et al. :
Application No. 12/290,788 : **DECISION ON PETITION**
Filed: November 04, 2008 : **TO MAKE SPECIAL UNDER**
Attorney Docket No. : **37 CFR 1.102(c)(1)**
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 04, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a copy of the inventor's driver's license as evidence that Clyde L. Tichenor 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 3751 for action on the merits commensurate with this decision.


Michelle R. Eason
Paralegal Specialist
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HAVERSTOCK & OWENS LLP
162 N WOLFE ROAD
SUNNYVALE CA 94086

MAILED

MAR 18 2011

OFFICE OF PETITIONS

In re Application of	:	
Aula et al.	:	DECISION REFUSING STATUS
Application No. 12/290,846	:	UNDER 37 CFR 1.47(b)
Filed: November 3, 2008	:	
Attorney Docket No. FLEX-02800	:	

This is in response to the renewed "Petition Under 37 CFR 1.47(b), filed November 1, 2010.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(b) requires:

- (1) proof that the non-signing inventor cannot be reached after diligent effort or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
- (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
- (3) the petition fee;
- (4) a statement of the last known address of the non-signing inventor.
- (5) proof of proprietary interest; and
- (6) proof of irreparable damage.

Applicant lacks item(s) (5) set forth above.

As to item (5), when an application is deposited pursuant to 37 CFR 1.47(b), the 37 CFR 1.47(b) applicant must prove that (A) the invention has been assigned to the applicant, or (B) the inventor has agreed in writing to assign the invention to the applicant, or (C) the applicant otherwise has sufficient proprietary interest in the subject matter to justify the filing of the application. If the application has been assigned, a copy of the assignment (in the English language) must be submitted. The assignment must clearly indicate that the invention described in the 37 CFR 1.47(b) application was assigned to the 37 CFR 1.47(b) applicant. A statement under 37 CFR 3.73(b) by the assignee must also be submitted (see MPEP § 324).

When an inventor has agreed in writing to assign an invention described in an application

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 (non-signing 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.**

On renewed petition, petitioner has provided a statement that the Finnish employment contracts reflect the English version provided. However, petitioner has failed to establish the invention was made by the employee while employed by the 37 CFR 1.47(b) applicant. As stated in the previous decision the letter of reference for inventor Piisila has not been signed. The letters for inventors Aula, Ojala and Piisila do not specifically reference the invention nor does the signor state that he has first hand knowledge.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: Customer Service Window
 Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By fax: (571) 273-8300
 ATTN: Office of Petitions

Telephone inquiries should be directed to the undersigned at (571) 272-3215.



Charlema Grant
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

JUN 02 2011

OFFICE OF PETITIONS

HAVERSTOCK & OWENS LLP
162 N WOLFE ROAD
SUNNYVALE CA 94086

In re Application of :
Aula et al. : DECISION REFUSING STATUS
Application No. 12/290,846 : UNDER 37 CFR 1.47(b)
Filed: November 3, 2008 :
Attorney Docket No. FLEX-02800 :

This is in response to the renewed "Petition Under 37 CFR 1.47(b), filed May 17, 2011.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(b) requires:

- (1) proof that the non-signing inventor cannot be reached after diligent effort or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
- (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
- (3) the petition fee;
- (4) a statement of the last known address of the non-signing inventor.
- (5) proof of proprietary interest: and
- (6) proof of irreparable damage.

Applicant lacks item(s) (5) set forth above.

As to item (5), when an application is deposited pursuant to 37 CFR 1.47(b), the 37 CFR 1.47(b) applicant must prove that (A) the invention has been assigned to the applicant, or (B) the inventor has agreed in writing to assign the invention to the applicant, or (C) the applicant otherwise has sufficient proprietary interest in the subject matter to justify the filing of the application. If the application has been assigned, a copy of the assignment (in the English language) must be submitted. The assignment must clearly indicate that the invention described in the 37 CFR 1.47(b) application was assigned to the 37 CFR 1.47(b) applicant. A statement under 37 CFR 3.73(b) by the assignee must also be submitted (see MPEP § 324).

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

Application No. 12/290,846

3

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Telephone inquiries should be directed to the undersigned at (571) 272-3215.



Charlema Grant
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HAVERSTOCK & OWENS LLP
162 N WOLFE ROAD
SUNNYVALE CA 94086

MAILED

JUL 11 2011

OFFICE OF PETITIONS

In re Application of :
Janne AULA et al. :
Application No. 12/290,846 : **ON PETITION**
Filed: November 3, 2008 :
Attorney Docket No. FLEX-02800 :

This is a decision on the petitions under 37 CFR 1.59(b), filed June 8, 2009 and November 1, 2010, to expunge information from the above identified application submitted under MPEP 724.02.

The petitions are **DISMISSED**.

Petitioner requests that the following documents, filed June 8, 2009, supporting a petition under 37 CFR 1.47(b), filed June 8, 2009, be expunged from the application file:

- 1) Exhibit A (entire copy of e-mail, 4 pages);
- 2) Exhibit B (entire copy of e-mail, 1 page);
- 3) Exhibit C (entire copy of letter, 1 page);
- 4) Exhibit D (entire copy of e-mail, 1 page);
- 5) Exhibit E (entire copy of e-mail, 4 pages);
- 6) Exhibit G (entire copy of message, 1 page);
- 7) Exhibit H (entire Affidavit, 2 pages);
- 8) Exhibit I (entire copy of letter, 2 pages);
- 9) Exhibit J (entire copy of DHL Express waybill, 1 page);
- 10) Exhibit K (entire copy of e-mail, 1 page);
- 11) Exhibit L (entire copy of e-mail, 1 page);
- 12) Exhibit M (entire copy of e-mail, 2 pages);
- 13) Exhibit N (entire copy of invention disclosure form, 6 pages);
- 14) Exhibit O (entire copy of e-mail, 4 pages);
- 15) Exhibit P (entire copy of letter of reference, 1 page);
- 16) Exhibit Q (entire copy of employment agreement, 2 pages);
- 17) Exhibit R (entire copy of e-mail, 1 page);
- 18) Exhibit S (entire copy of letter of reference, 1 page);
- 19) Exhibit T (entire copy of employment agreement, 2 pages);
- 20) Exhibit U (entire copy of letter of reference, 1 page);
- 21) Exhibit V (entire copy of employment agreement, 2 pages);
- and 22) Exhibit W (entire copy of employment agreement, 2 pages).

Petitioner also requests that the following documents, filed November 1, 2010, supporting a request for reconsideration of a petition under 37 CFR 1.47(b), filed November 1, 2010, be expunged from the application file:

Application No. 12/290,846

1) Exhibit AA (entire copy of e-mail, 1 page); 2) Exhibit BB (entire copy of e-mail, 2 pages); 3) Exhibit CC (entire Affidavit, 1 page); 4) Exhibit DD (entire copy of DHL Express waybill, 1 page); 5) Exhibit EE (entire copy of DHL Express waybill, 1 page); 6) Exhibit FF (entire copy of e-mail, 1 page); 7) Exhibit GG (entire copy of e-mail, 1 page); 8) Exhibit HH (entire copy of DHL tracking history, 1 page); 9) Exhibit II (entire copy of e-mail, 1 page); 10) Exhibit JJ (entire copy of e-mail, 1 page); 11) Exhibit KK (entire Affidavit, 1 page); 12) Exhibit LL (entire copy of e-mail, 2 pages); 13) Exhibit MM (entire copy of e-mail, 2 pages); 14) Exhibit NN (entire copy of e-mail, 1 page); 15) Exhibit OO (entire copy of e-mail, 2 pages); 16) Exhibit PP (entire copy of DHL tracking history, 1 page); and 17) Exhibit QQ (entire Affidavit, 3 pages).

While the documents may not be material to patentability in and of themselves, the USPTO under the Administrative Procedures Act is required to maintain a complete record of the proceedings in a patent application. As it is necessary to maintain a complete record of the evidence upon which a decision on the petition under 37 CFR 1.47(b) was based, the documents will not be expunged.

Telephone inquiries concerning this decision should be directed to Andre Boyce at (571) 272-6726, or in his absence, the undersigned at (571) 272-7099.


David A. Bucci
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HAVERSTOCK & OWENS LLP
162 N WOLFE ROAD
SUNNYVALE CA 94086

MAILED

SEP 15 2011

OFFICE OF PETITIONS

In re Application of	:	
Janne Aula, Mika Piisila and Mikko Ojala	:	DECISION GRANTING STATUS
Application No. 12/290,846	:	UNDER 37 CFR 1.47(a)
Filed: November 3, 2008	:	
Attorney Docket No. FLEX-02800	:	
For: Single Wire Internal Antenna With	:	
Integral Contact Force Spring	:	

This is in response to the renewed petition under 37 CFR 1.47(a), filed August 1, 2011.

The petition is **GRANTED**.

Petitioner has shown that the non-signing inventors Aula, Piisila and Ojala have refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to the Office of Patent Application processing for processing in the normal course of business.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Jane Aula
Rajahaudantie 2F
90580, Oulu
Finland

MAILED

SEP 15 2011

OFFICE OF PETITIONS

In re Application of
Janne Aula, Mika Piisila and Mikko Ojala
Application No. 12/290,846
Filed: November 3, 2008
Attorney Docket No. FLEX-02800
For: Single Wire Internal Antenna With Integral Contact Force Spring

Dear Inventor:

You are named as a co-inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(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 the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3215. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Charlema Grant
Petitions Attorney
Office of Petitions

Cc: HAVERSTOCK & OWENS LLP
162 N WOLFE ROAD
SUNNYVALE CA 94086



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Mika Piisila
Vanhatie 14
90440, Kempele
Finland

MAILED

SEP 15 2011

OFFICE OF PETITIONS

In re Application of
Janne Aula, Mika Piisila and Mikko Ojala
Application No. 12/290,846
Filed: November 3, 2008
Attorney Docket No. FLEX-02800
For: Single Wire Internal Antenna With Integral Contact Force Spring

Dear Inventor:

You are named as a co-inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(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 the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3215. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Charlema Grant
Petitions Attorney
Office of Petitions

Cc: HAVERSTOCK & OWENS LLP
162 N WOLFE ROAD
SUNNYVALE CA 94086



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Mikko Ojala
Toivontie 25 as.4
90530, Oulu
Finland

MAILED

SEP 15 2011

OFFICE OF PETITIONS

In re Application of
Janne Aula, Mika Piisila and Mikko Ojala
Application No. 12/290,846
Filed: November 3, 2008
Attorney Docket No. FLEX-02800
For: Single Wire Internal Antenna With Integral Contact Force Spring

Dear Inventor:

You are named as a co-inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(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 the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3215. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Charlema Grant
Petitions Attorney
Office of Petitions

Cc: HAVERSTOCK & OWENS LLP
162 N WOLFE ROAD
SUNNYVALE CA 94086



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

MAILED

MAR 14 2011

OFFICE OF PETITIONS

Daniel Luch
17161 Copper Hill Drive
Morgan Hill CA 95037

In re Application of :
Daniel LUCH : DECISION ON PETITION
Application No. 12/290,896 : TO MAKE SPECIAL UNDER
Filed: November 5, 2008 : 37 CFR 1.102(c)(1)
Atty: Docket No.: 8680 :

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 24, 2011, to make the above-identified application special based on applicant's age set forth in MPEP §708.02, Section IV.

The petition is **GRANTED**.

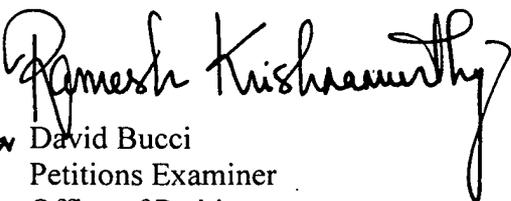
A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP §708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes the statement in a declaration attesting that Daniel Luch age is 65 years of age or more. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Robert DeWitty at 571-272-8427.

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 1725 for action on the merits commensurate with this decision.


for David Bucci
Petitions Examiner
Office of Petitions



LEON EDWARD ZAHARIS
1398 MECKLENBURG RD.
ITHACA NY 14850-9389

MAILED

DEC 12 2011

OFFICE OF PETITIONS

DECISION ON PETITION

In re Application of :
LEON EDWARD ZAHARIS :
Application No. 12/290,909 :
Filed: 11/05/2008 :
Title: ULTRASONIC POWERED :
SUGARBEET AND CUT SUGAR CANE :
CLEANING METHOD USING A :
STAINLESS STEEL FLUME :

This is decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a), filed November 19, 2011. Petitioner did not pay the required petition fee set forth in 37 CFR 1.17(l). Accordingly, the petition is being treated as a petition under 37 CFR 1.181 (feeless) to withdraw the holding of abandonment.

The application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed January 6, 2011, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on April 7, 2011. A Notice of Abandonment was mailed on August 9, 2011.

In the present petition, petitioner asserted that the application became abandoned because his replacement specification was lost, mishandled, misfiled, or not forwarded to the appropriate person in the USPTO. Therefore, it appears that petitioner is arguing that he timely filed a response to the non-final Office action but it was lost in the USPTO.

The Office file is the official record of the papers filed in this application. After reviewing the official file, the Office did not locate any reply filed within the period set forth in the non-final Office action. A petitioner alleging that a paper was filed in the Office and later misplaced has the burden of proving the allegation by a preponderance of the evidence.

Section 711.03(c)(I)(B) of the Manual for Patent Examining Procedure states:

37 CFR 1.10(c) through 1.10(e) set forth procedures for petitioning the Director of the USPTO to accord a filing date to correspondence as of the date of deposit of the

correspondence as “Express Mail.” A petition to withdraw the holding of abandonment relying upon a timely reply placed in “Express Mail” must include an appropriate petition under 37 CFR 1.10(c), (d), or (e) (see MPEP § 513). When a paper is shown to have been mailed to the Office using the “Express Mail” procedures, the paper must be entered in PALM with the “Express Mail” date.

Similarly, applicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides prima facie evidence that the reply was timely filed. See MPEP § 503. For example, if the application has been held abandoned for failure to file a reply to a first Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing of a petition to withdraw the holding of abandonment. When the reply is shown to have been timely filed based on a postcard receipt, the reply must be entered into PALM using the date of receipt of the reply as shown on the post card receipt.

Where a certificate of mailing under 37 CFR 1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 CFR 1.8(b) and MPEP § 512. As stated in 37 CFR 1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to have been timely filed based on a certificate of mailing, the correspondence is entered into PALM with the actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 CFR 1.8).

The showing of record is insufficient to warrant withdrawal of the holding of abandonment. In the present case, petitioner did not comply with procedures set forth in MPEP 711.03(c)(I)(B). Specifically, petitioner did not submit a petition under 37 CFR 1.10, a copy of the returned, date-stamped postcard receipt, or a copy of the correspondence with a proper certificate of mailing or facsimile transmission. Therefore, petitioner failed to submit any documentary evidence to demonstrate that he timely filed a reply to the non-final Office action.

The petition to withdraw the holding of abandonment is **dismissed**. Any request for reconsideration must be submitted within two (2) months of the date of this decision. This time period may not be extended. See 37 CFR 1.181(f).

However, instead of filing a renewed petition, petitioner may wish to file a petition pursuant to 37 CFR 1.137(b) on the basis of **unintentional** delay. The appropriate form (PTO/SB/64) accompanies this decision. Petitions under 37 CFR 1.137(b) are less burdensome (statement(s) rather than a showing accompanied by documentary evidence) to file and are evaluated under the less stringent

“unintentional delay” standard. Thus, many petitions originally filed under 37 CFR 1.137(a) end up being granted under 37 CFR 1.137(b) when the applicant realizes that sufficient evidence concerning the delay is too difficult to obtain or the cause of delay simply does not amount to “unavoidable delay” within the meaning of 37 CFR 1.137(a). Since the requirements of 37 CFR 1.137(a) are more exacting than the corresponding requirements of 37 CFR 1.137(b), a petition under 37 CFR 1.137(a) is significantly less likely to be grantable as filed than is a petition under 37 CFR 1.137(b). The Office usually must render a number of interlocutory decisions dismissing a petition under 37 CFR 1.137(a) and requesting additional evidence until either the applicant provides a satisfactory showing of unavoidable delay (in which case the petition can be granted) or the Office concludes that the applicant cannot provide a satisfactory showing of unavoidable delay (in which case the petition must be denied). Thus, the period between when an applicant first files a petition to revive and the Office renders a decision granting (or denying) that petition will, more often than not, be much longer if the petition is under 37 CFR 1.137(a) than it would have been if the petition were under 37 CFR 1.137(b).

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed.
- (2) The petition fee as set forth in § 1.17(m) (currently \$930.00 for a small entity);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By FAX: (571) 273-8300
 Attn: Office of Petitions

By hand: Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Correspondence may also be submitted electronically via EFS-Web.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3211.

A handwritten signature in black ink that reads "C. T. Donnell". The signature is written in a cursive style with a large initial "C" and a stylized "T".

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Form PTO/SB/64



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

John E. Johnson
2348 East Tuscarawas Street
Canton OH 44707

MAILED
NOV 22 2011

OFFICE OF PETITIONS

In re Application of :
Deyan Wang et al. :
Application No. 12/290,980 : DECISION ON PETITION
Filed: November 5, 2008 :
Attorney Docket No. 52646 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 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 non-final Office action mailed July 28, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 29, 2010. A Notice of Abandonment was mailed on February 23, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1,860, (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 1722 for appropriate action by the Examiner in the normal course of business on the reply received October 25, 2011.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Edwards Wildman Palmer, LLP
P.O. Box 55874
Boston, MA 02205



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Pearl Cohen Zedek Latzer, LLP
1500 Broadway
12th Floor
New York NY 10036

MAILED
FEB 15 2011
OFFICE OF PETITIONS

In re Application of :
John Stuart DeWees et al. :
Application No. 12/290,989 : **DECISION ON PETITION**
Filed: November 5, 2008 :
Attorney Docket No. 4042.067.401 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 8, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to reply in a timely manner to the Notice of File Corrected Application Papers, mailed December 8, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 9, 2009. The Notice of Abandonment was mailed on August 17, 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 (2).

As to item (2) the Office was unable to charge the petition fee to deposit account 50-3355 because the authorized user and/or company name is not listed on the account.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Goldberg Cohen LLP
1350 Avenue of the Americas
4th Floor
New York NY 10019

MAILED
MAR 24 2011
OFFICE OF PETITIONS

In re Application of :
John Stuart DeWees et al. :
Application No. 12/290,989 : **DECISION ON PETITION**
Filed: November 5, 2008 :
Attorney Docket No. 4042.067.401 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed February 24, 2011, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to reply in a timely manner to the Notice of File Corrected Application Papers, mailed December 8, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 9, 2009. The Notice of Abandonment was mailed on August 17, 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 (2).

As to item (2) the petition fee for a large entity application is \$1,620. The \$810 petition fee paid along with the renewed has been credited back to petitioner's deposit account. If the entity status has changed in this application, then a written assertion under 37 CFR 1.27(a) should be made to the Office. The finance department charged back the \$810 petition fee and then attempted to charge the total due of \$1,620 but there were insufficient funds to do so. Any renewed petition should include the proper petition fee (\$810, small entity/\$1,620, large entity).

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Goldberg Cohen LLP
1350 Avenue of the Americas
4th Floor
New York NY 10019

MAILED
MAY 09 2011
OFFICE OF PETITIONS

In re Application of :
John Stuart DeWees et al. :
Application No. 12/290,989 : **DECISION ON PETITION**
Filed: November 5, 2008 :
Attorney Docket No. 4042.067.401 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed March 31, 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 File Corrected Application Papers, mailed December 8, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 9, 2009. The Notice of Abandonment was mailed on August 17, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings, (2) the petition fee of \$1,620, (3) a proper statement of unintentional delay. Accordingly the replacement drawings are accepted as being unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that the delay in paying the maintenance fee under 37 CFR 1.378(c) was intentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received October 8, 2009.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
12/291,018 10/30/2008 Genesis M. Bacani PRD2846USNP 7591

27777 7590 08/05/2010
PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NJ 08933-7003

EXAMINER

WILLIS, DOUGLAS M

Table with 2 columns: ART UNIT, PAPER NUMBER
1624

Table with 2 columns: NOTIFICATION DATE, DELIVERY MODE
08/05/2010 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):

- jnjuspatent@corus.jnj.com
lhowd@its.jnj.com
gsanche@its.jnj.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

AUG 05 2010

PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK NJ 08933-7003

In re Application of: :
Bacani et al. :
Serial No.: 12/291,018 : PETITION DECISION
Filed: October 30, 2008 :
Attorney Docket No.: PRD2846USNP :

This is in response to the petition under 37 CFR § 1.181, filed July 28, 2010, requesting that the objection to the title be withdrawn.

BACKGROUND

Only the grounds of objection and/or rejection pertinent to this petition are set forth below.

The examiner mailed a non-final Office action on October 14, 2009, setting a three month statutory limit for reply. At the time of this non-final Office action, the examiner set forth the following objection to the title:

“Applicant is reminded of the proper content of the title of the invention. The title of the invention should be brief, but technically accurate and descriptive, preferably from two to seven words. See 37 CFR 1.72(a) and MPEP § 606.

The title of the invention is not technically accurate and descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. In the revised title, the examiner suggests identifying the substituted benzothiazoles of the formula (I).”

In response thereto, applicants filed an amendment on January 14, 2010, wherein applicants traversed the objection and requested its withdrawal.

On April 30, 2010, the examiner mailed an Ex parte Quayle setting a two month statutory limit for reply. In this Office action, the examiner sustained the objection to the title.

In response thereto, applicants filed this petition on July 28, 2010, requesting that the objection to the title be withdrawn.

DISCUSSION

The petition and the file history have been carefully considered.

In the petition filed by applicants on July 28, 2010, applicants argue "the title in this Application is consistent and compliant with the rules as set forth in 37 C.F.R. § 1.72(a), and with the text given in the M.P.E.P (relevant section already cited). No objection in this regard is pertinent or based on established rules and patent application drafting and examination practice, and the Objection should be withdrawn."

Applicants' argument has been accorded careful consideration and is persuasive. The examiner will be directed to withdraw the instant objection that was maintained in the Ex parte Quayle action of April 30, 2010.

DECISION

The petition is **GRANTED**.

However, applicants should note that if this application is allowed, the examiner may change the title of the invention without authorization. See MPEP 606.01 which states "If a satisfactory title is not supplied by the applicant, the examiner may, at the time of allowance, change the title by examiner's amendment. If the change in the title is the only change being made by the examiner at the time of allowance, >and the application is maintained in paper,< a separate examiner's amendment need not be prepared."

Should there be any questions about this decision please contact Marianne C. Seidel, by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.


Remy Yucel
Director, Technology Center 1600



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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.
12/291,018	10/30/2008	Genesis M. Bacani	PRD2846USNP	7591
2777	7590	08/05/2010	EXAMINER	
PHILIP S. JOHNSON JOHNSON & JOHNSON ONE JOHNSON & JOHNSON PLAZA NEW BRUNSWICK, NJ 08933-7003			WILLIS, DOUGLAS M	
			ART UNIT	PAPER NUMBER
			1624	
			NOTIFICATION DATE	DELIVERY MODE
			08/05/2010	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):

jnjuspatent@corus.jnj.com
lhowd@its.jnj.com
gsanche@its.jnj.com

In response thereto, applicants filed an amendment on January 14, 2010, wherein applicants traversed the objection and requested its withdrawal.

On April 30, 2010, the examiner mailed an Ex parte Quayle setting a two month statutory limit for reply. In this Office action, the examiner sustained the objection to the abstract.

In response thereto, applicants filed this petition on July 28, 2010, requesting that the objection to the abstract be withdrawn.

DISCUSSION

The petition and the file history have been carefully considered.

In the petition filed by applicants on July 28, 2010, applicants argue "As reasoned in the traverse, the abstract in this Application is consistent and compliant with the rules as set forth in 37 C.F.R. § 1.72, and with the examples given in the M.P.E.P (relevant section already cited). No objection in this regard is pertinent or based on established rules and patent application drafting and examination practice, and the Objection should be withdrawn." Applicants also argue "In addition to the reasons for traverse set forth above, Applicants furthermore note that incorporating a generic structure into the abstract as suggested in the Second Office Action would serve no purpose if left without specifying the nature a type of the various substituents in the same formula. If such substituents were fully defined as in the written description, then the abstract would not satisfy the brevity requirements."

Applicants' argument has been accorded careful consideration and is not persuasive. The abstract should sufficiently describe the disclosure to assist readers in deciding whether there is a need for consulting the full patent text for details. The language should also be clear and concise and should not repeat information given in the Title. As the applicants have failed to provide such an abstract, the examiner is correct in sustaining the objection.

DECISION

The petition is **DENIED**.

Any new or renewed petition must be filed within TWO MONTHS of the mail date of this decision.

Should there be any questions about this decision please contact Marianne C. Seidel, by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.



Remy Yucel
Director, Technology Center 1600



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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.
12/291,018	10/30/2008	Genesis M. Bacani	PRD2846USNP	7591
2777	7590	10/15/2010	EXAMINER	
PHILIP S. JOHNSON JOHNSON & JOHNSON ONE JOHNSON & JOHNSON PLAZA NEW BRUNSWICK, NJ 08933-7003			WILLIS, DOUGLAS M	
			ART UNIT	PAPER NUMBER
			1624	
			NOTIFICATION DATE	DELIVERY MODE
			10/15/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jnjuspatent@corus.jnj.com
lhowd@its.jnj.com
gsanche@its.jnj.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

OCT 14 2010

PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK NJ 08933-7003

In re Application of: :
Bacani et al. :
Serial No.: 12/291,018 : PETITION DECISION
Filed: October 30, 2008 :
Attorney Docket No.: PRD2846USNP :

This is in response to the renewed petition under 37 CFR § 1.181, filed October 5, 2010, requesting that the objection to the abstract be withdrawn.

BACKGROUND

Only the grounds of objection and/or rejection pertinent to this petition are set forth below.

The examiner mailed a non-final Office action on October 14, 2009, setting a three month statutory limit for reply. At the time of this non-final Office action, the examiner set forth the following objection to the abstract:

“Applicant is reminded of the proper content of an abstract of the disclosure.

With regard particularly to chemical patents, for compounds or compositions, the general nature of the compound or composition should be given as well as the use thereof, e.g., *The compounds are of the class of alkyl benzene sulfonyl ureas, useful as oral anti-diabetics.* Exemplification of a species could be illustrative of members of the class. For processes, the reactions, reagents and process conditions should be stated, generally illustrated by a single example, unless variations are necessary. See MPEP § 608.01(b), Section B.

The abstract of the disclosure is objected to because it fails to exemplify any members or formulae illustrative of its class. Correction is required. See MPEP § 608.01(b).”

In response thereto, applicants filed an amendment on January 14, 2010, wherein applicants traversed the objection and requested its withdrawal.

On April 30, 2010, the examiner mailed an Ex parte Quayle setting a two month statutory limit for reply. In this Office action, the examiner sustained the objection to the abstract.

In response thereto, applicants filed a petition on July 28, 2010, requesting that the objection to the abstract be withdrawn.

On August 5, 2010, the petition of July 28, 2010 was denied.

In response thereto, applicants filed a renewed petition on October 5, 2010.

DISCUSSION

The renewed petition and the file history have been carefully considered.

In the petition filed by applicants on October 5, 2010, applicants argue that their abstract is consistent and compliant with 37 CFR § 1.72 and MPEP § 608.01.

Upon reconsideration, applicants' argument has been found persuasive. The examiner will be directed to withdraw the instant objection that was maintained in the Ex parte Quayle action of April 30, 2010.

DECISION

The petition is **GRANTED**.

Should there be any questions about this decision please contact Marianne C. Seidel, by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.


Remy Ducl

Director, Technology Center 1600



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MICHAEL J. COLITZ, JR.
640 Douglas Avenue
DUNEDIN FL 34698

MAILED
JAN 11 2011
OFFICE OF PETITIONS

In re Application of :
HAZEN, JAY T. :
Application No. 12/291,085 : DECISION ON PETITION
Filed: 11/06/2008 :
Attorney Docket No. HJ 09/01 :

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 petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed April 13, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 14, 2010. On November 12, 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 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 3653 for appropriate action by the Examiner on the reply received on November 22, 2010.

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

Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)
Application Number	12291196
Filing Date	07-Nov-2008
First Named Inventor	Stig Tenghamn
Art Unit	3662
Examiner Name	IAN LOBO
Attorney Docket Number	PGS-08-09US
Title	SEISMIC VIBRATOR ARRAY AND METHOD FOR USING

An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).

A grantable petition requires the following items:

- (1) Petition fee; and
- (2) One of the following reasons:
 - (a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;
 - (b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or
 - (c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).

Petition Fee

- Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).
- Applicant(s) status remains as SMALL ENTITY.
- Applicant(s) status remains as other than SMALL ENTITY

Reason for withdrawal from issue

- One or more claims are unpatentable
- Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- I certify, in accordance with 37 CFR 1.4(d)(4) that :
- The RCE request ,submission, and fee have already been filed in the above-identified application on 2011.10.06
 - 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	/shannon powers/
Name	Shannon Powers
Registration Number	59584



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : October 5,2011

In re Application of :

Stig Tenghamn

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12291196

Filed : 07-Nov-2008

Attorney Docket No : PGS-08-09US

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed October 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 3662 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/291,222	11/06/2008	Menno Van Lookeren Campagne	GNE-0287 A	9266
35489	7590	03/21/2012	EXAMINER	
Arnold & Porter LLP (24126) Attn: SV Docketing Dept. 1801 Page Mill Road Suite 110 Palo Alto, CA 94304			ALLEN, MARIANNE P	
			ART UNIT	PAPER NUMBER
			1647	
			NOTIFICATION DATE	DELIVERY MODE
			03/21/2012	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

SV.Docketing@aporter.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 20, 2012

Arnold & Porter LLP (24126)
Attn: SV Docketing Dept.
1801 Page Mill Road
Suite 110
Palo Alto CA 94304

Re Application of
CAMPAGNE, MENNO VAN LOOKEREN0, ET AI

Application: 12/291222

Filed: 11/06/2008

Attorney Docket No: GNE-0287 A

: **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) November 6, 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



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.
12/291,289	11/07/2008	David A. Betts	507133	2495
53609	7590	12/23/2011	EXAMINER	
REINHART BOERNER VAN DEUREN P.C.			LOBO, IAN J	
2215 PERRYGREEN WAY			ART UNIT	PAPER NUMBER
ROCKFORD, IL 61107			3662	
			NOTIFICATION DATE	DELIVERY MODE
			12/23/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

RockMail@reinhartlaw.com



UNITED STATES PATENT AND TRADEMARK OFFICE

DEC 22 2011

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

REINHART BOERNER VAN DEUREN P.C.
2215 PERRYGREEN WAY
ROCKFORD IL 61107

In re Application of :
DAVID A BETTS ET AL. : DECISION ON PETITION
SERIAL NO.: 12/291,289 : UNDER 37 CFR 1.181
FILED: November 7, 2008 :
FOR: FLASHER SONAR DEVICE WITH
INTERLEAVED ZOOM

This is a decision on the petition filed November 10, 2011 under 37 CFR 1.181 to invoke the supervisory authority of the Commissioner to withdraw the restriction requirement of the office action mailed May 11, 2011 and made final in the office action mailed August 10, 2011.

The Petition is **GRANTED**.

On May 11, 2011 a restriction was made identifying 2 Groups of inventions:

- (I) a flasher sonar apparatus of claims 1-13, 20 and
 - (II) a method of displaying depth results of claims 9, 12-13.
- Applicant elected with traverse Group (I) claims 1-13, 20.

The examiner had indicated in the restriction that the apparatus of Group I is distinct because the apparatus can be used practice another and materially distinct process, particularly as a fish finder.

Petitioner argues that both groups of claims can be used as a fish finder. The examiner does not provide a convincing rebuttal.

It is also noted that claim 10 in Group I uses the term "depth information" which is similar to the language of claim 14 in Group II, "depth results". Thus claim 10 is a linking claim preventing a restriction purely based on an assertion that Group I is distinct merely because it has something other than "depth results".

Petitioner argues that there would be no serious burden to examine both groups of claims together without making a restriction. The examiner had indicated that there was a burden because the inventions have acquired a separate status in the art due to their recognized divergent subject matter. Petitioner argues that the examiner has not shown support for his statement of burden.

The examiner has not demonstrated a convincing argument for either distinctness or burden. Consequently, the current restriction requirement is withdrawn.

The application is being returned to the examiner to act on all pending claims 1-20 as submitted in the response filed November 10, 2011.



Katherine A. Matecki
Director, T.C. 3600
571-272-5250

tht/snm: 12-8-2011

SM



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : August 5,2011

In re Application of :

DECISION ON PETITION

John Wink

Application No : 12291315

Filed : 07-Nov-2008

Attorney Docket No : 13038-0002

This is an electronic decision on the petition, filed August 5,2011 ,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 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 present nonprovisional application is the subject of a foreign or international application filed on 05-01-2009

However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in a foreign 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 under 37 CFR 1.137(f) must be accompanied by:

- (1) the 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 notice of a foreign or international filing from the due date for the required notice until the filing of a grantable petition under 37 CFR 1.137(b) 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 will be viewable in Private PAIR within one (1) business day.

This application file is being directed to the Office of Data Management.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED FOR FAILURE TO NOTIFY THE OFFICE OF A FOREIGN OR INTERNATIONAL FILING UNDER 37 CFR 1.137(f)
Application Number	12291315
Filing Date	07-Nov-2008
First Named Inventor	John Wink
Art Unit	3633
Examiner Name	OMAR HIJAZ
Attorney Docket Number	13038-0002
Title	Landscape edging system

The above-identified application became abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to timely notify the Office of the filing of an application in a foreign country or under a multinational treaty that requires publication of applications eighteen months after filing. The date of abandonment is the day after the expiration date of the forty-five (45) day period set in 35 U.S.C. 122(b)(2)(B)(iii).

PURSUANT TO 37 CFR 1.137(f), APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION UNDER 37 CFR 1.137(b).

A grantable petition requires the following items:
 (1) Petition fee;
 (2) Reply;
 (3) 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.

Notice of Foreign or International Filing (35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c))
 Subsequent to the filing of the above-identified application, an application was filed in another country, or under a multinational international treaty (e.g., filed under the Patent Cooperation Treaty), that requires publication of applications eighteen months after the filing. The filing date of the subsequently filed foreign or international application is 05-01-2009

The non-publication request has been filed on 07-Nov-2008

STATEMENT: The entire delay in filing the required notice of a foreign or international filing from the due date for the required notice until the filing of a grantable petition 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	/William F. Nixon/
Name	William F. Nixon
Registration Number	44262



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.
12/291,326	11/07/2008	James C. Warren	6045-01001	9572

46510	7590	04/01/2011
L.C. BEGIN & ASSOCIATES, PLLC		
510 HIGHLAND AVENUE		
PMB 403		
MILFORD, MI 48381		

EXAMINER	
VILAKAZI, SIZO BINDA	

ART UNIT	PAPER NUMBER
3747	

MAIL DATE	DELIVERY MODE
04/01/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES 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.
12291326	11/7/2008	WARREN, JAMES C.	6045-01001

L.C. BEGIN & ASSOCIATES, PLLC
510 HIGHLAND AVENUE
PMB 403
MILFORD, MI 48381

EXAMINER

SIZO B. VILAKAZI

ART UNIT	PAPER
3747	20110331

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

1. In view of the papers filed 05/28/2009, it has been found that this nonprovisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 CFR 1.48(a). The inventorship of this application has been changed by the adding Dennis K Scheer. The application will be forwarded to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt, and correction of Office records to reflect the inventorship as corrected.

/Henry Yuen/
QAS, TC 3700

/SIZO B VILAKAZI/
Examiner, Art Unit 3747



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

OCT 01 2010

OFFICE OF PETITIONS

**LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD NJ 07090**

In re Application of :
Phillip LOORI, et al :
Application No. 12/291,347 : **DECISION ON PETITION**
Filed: November 7, 2008 :
Attorney Docket No. AOTI 3.0-009 :

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 24, 2009, which set a shortened statutory period for reply of three (3) months. A one (1) month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on April 25, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment (2) the petition fee of \$810; and (3) the required statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to Technology Center AU 3767 for appropriate action by the Examiner in the normal course of business.

/dcg/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Paper No.

Robert C. Lyne, Jr.
ThompsonMcMullan
100 Shockoe Slip
Richmond VA 23219

MAILED

SEP 13 2010

OFFICE OF PETITIONS

In re Application of :
John English : DECISION ON PETITION
Application No. 12/291,409 :
Filed: November 10, 2008 :
Attorney Docket No. P1051.engl:

This is a decision on the "PETITION UNDER 37 CFR 1.181(a) TO WITHDRAW HOLDING OF ABANDONMENT" filed February 17, 2010. In the alternative, applicant submits a "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)" filed February 17, 2010.

The petition under 37 CFR 1.181(a) is **DISMISSED**.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to file a timely and proper response to the NOTICE TO FILE MISSING PARTS OF APPLICATION mailed December 3, 2008. The Notice set a two-month time limit for submission of a signed oath or declaration, replacement drawings and a late surcharge. A response (including a declaration and replacement drawings) was received on January 15, 2009.

However, by NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL) mailed January 30, 2009, applicant was advised that the reply was incomplete. Specifically, the response did not include the required late surcharge. Further, the submission of a complete reply within the period set forth in the original Notice mailed December 3, 2008 was required to avoid abandonment.

On February 9, 2009, applicant filed (by check) the late filing surcharge; however, the one-month extension of time necessary to make the response timely was not filed nor authorized to be charged to a Deposit Account. On April 2, 2009, a one-month extension of time was filed. However, a one-month extension of time was no longer sufficient. Accordingly, a further NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL) was mailed on April 27, 2009, specifically advising applicant of the proper extension of time fees and that applicant had until July 3, 2009 to file such a fee. No further extension of time obtained, the application became abandoned. A courtesy NOTICE OF ABANDONMENT was mailed on December 15, 2009.

Applicant now petitions for withdrawal of the abandonment on the basis that a response to the Notice to File Missing Parts mailed December 3, 2008 was filed. Applicant submits a timeline of the submissions in this application. The timeline and types of submissions identified are consistent with that set forth above.

Applicant's arguments and evidence have been considered and not found persuasive that withdrawal of the holding of abandonment is warranted. As reflected in the statements in the Notice of Incomplete Reply, 37 CFR § 1.136(a)(2), which covers extension of time policy, provides that:

The date on which the petition and the fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. ...

In this instance, applicant submitted the extension fee in the amount based on the earlier date of filing of the late surcharge rather than based on the later date of filing of the extension of time. As such, the filing was ineffective to extend the period for reply for the time necessary to avoid abandonment. Accordingly, it is concluded that the abandonment is proper.

In view thereof, the petition to withdraw the holding of abandonment is dismissed.

Consideration now turns to applicant's alternative petition for revival under the provisions of 37 CFR 1.137(b). The required reply the late surcharge was previously (but untimely) filed. The petition includes the petition fee and the required statement of unintentional delay. In view thereof, it is

concluded that petitioner has met all requirements of 37 CFR 1.137(b) for revival of this application.

The application file is being forwarded to the Office of Patent Application Processing for completion of pre-examination processing.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson", written in a cursive style.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions