UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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MAILED

DEC 23 2011

OFFICE OF PETITIONS

JOHN W. WUSTENBERG
P.O. BOX 1431
DUNCAN OK 73536

In re Application of :
Lawrence Herndon :
Application No. 12/291,441 : DECISION ON PETITION
Filed: November 11, 2008 :
Attorney Docket No. 2007-IP-004026U1 :

This is a decision on the petition under 37 CFR 1.182, filed, June 27, 2011, to correct the spelling of the inventor from "Laurence Herndon" to – Lawrence Herndon --.

The petition is **GRANTED**.

Office records have been corrected to reflect the correct spelling of the above-named inventor. A corrected Filing Receipt, which sets forth the correct spelling of the above-named inventor, accompanies this decision on petition.

Petitioner submitted $130 for the petition fee. The petition under 37 CFR 1.182 is $400. The Office will apply the $130 toward this fee. As authorized, the $270 balance is being charged to petitioner's Deposit Account.

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.

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

Irvin Dingle
Petition Examiner
Office of Petitions

cc: Richard G. Miller
McAfee & Taft
Tenth Floor, Two Leadership Square
211 North Robinson
Oklahoma City, OK 73102

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/291,441	11/11/2008	3677	2568	2007-IP-004026U1	26	4

CONFIRMATION NO. 8504

29920
JOHN W. WUSTENBERG
P.O. BOX 1431
DUNCAN, OK 73536

CORRECTED FILING RECEIPT

OC00000051364729

Date Mailed: 12/12/2011

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)

Lawrence Herndon, Duncan, OK;

Power of Attorney:

Clifford Dougherty Jr--24208	William Hall--35535
Robert Kent--28626	Craig Roddy--36256
William Shull--29438	Paul Herman--37349
Clifford Dougherty III--31607	Anthony Rahhal--37562
John Wustenberg--35415	Jean Pinkston--45014

Domestic Priority data as claimed by applicant

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

Permission to Access - A proper **Authorization to Permit Access to Application by Participating Offices** (PTO/SB/39 or its equivalent) has been received by the USPTO.

If Required, Foreign Filing License Granted: 12/10/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/291,441**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

FIELD REPLACEABLE HAMMER UNION WING NUT APPARATUS AND METHOD

Preliminary Class

411

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

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

NOT GRANTED

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

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

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TOPE-MCKAY & ASSOCIATES
30765 PACIFIC COAST HIGHWAY #420
MALIBU, CA 90265

MAILED
SEP 23 2011
OFFICE OF PETITIONS

Applicant: Sansom, et al.
Appl. No.: 12/291,524
Filing Date: November 10, 2008
Title: Fabrication Of Anchored Carbon Nanotube Array Devices For Integrated Light Collection And Energy Conversion
Attorney Docket No.: CIT050
Pub. No.: US 2009/0130370 A1
Pub. Date: May 21, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on January 28, 2011, for the above-identified application.

The patent issued on June 14, 2011.

The request is DISMISSED as moot.

Since the application has been issued as a patent, the request is deemed moot.

The request for corrected publication received on January 28, 2011, was not timely filed under 37 CFR 1.221(b).

Furthermore, the spelling of an inventor's name is not a material error under 37 CFR 1.221(b). An error of the inventor's name does not affect the understanding of the application. The mistake does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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G MICHAEL ROEBUCK PC
FROST BANK BUILDING
6750 WEST LOOP SOUTH SUITE 920
BELLAIRE TX 77401

MAILED

APR 17 2012

OFFICE OF PETITIONS

In re Application of :
John Janik :
Application No. 12/291,579 : ON PETITION
Filed: November 12, 2008 :
Attorney Docket No. GR052.0004 US :

This is in response to petition to revive under 37 CFR 1.137(b), filed March 23, 2012.

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

The above-identified application became abandoned for failure to timely file a proper reply to the final Office action mailed July 12, 2011, which set a shortened statutory period for reply of three months. Applicants filed an Amendment on January 12, 2012, made timely by obtaining a three month extension of time. However, the Amendment did not place the application in condition for allowance, and therefore the application became abandoned by operation of law on January 13, 2012. The Office mailed an Advisory Action on January 23, 2012, and a Notice of Abandonment on March 2, 2012.

With the instant petition, petitioner paid the petition fee, made the proper statement of unintentional delay, and submitted the required reply in the form of an RCE.

The application is being forwarded to Group Art Unit 3752 for consideration of the RCE, filed March 23, 2012.

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

Cliff Congo
Petitions Attorney
Office of Petitions

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P.O. Box 1450
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SCHWARTZ LAW FIRM, P.C.
SOUTHPARK TOWERS
SUITE 1135
6100 FAIRVIEW ROAD
CHARLOTTE, NC 28210

MAILED

JAN 10 2011

OFFICE OF PETITIONS

In re Patent No. 7,817,019 :
Issue Date: October 19, 2010 :
Application No. 12/291,586 : NOTICE
Filed: November 12, 2008 :
Attorney Docket No. 321/2H

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

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

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

Inquiries related to this communication should be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

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

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NOV 16 2011

OFFICE OF PETITIONS

Edwards Wildman Palmer LLP
P.O. Box 55874
Boston MA 02205

In re Application of :
John P. AMARA et al. : ON PETITION
Application No. 12/291,641 :
Filed: November 12, 2008 :
Atty. Docket No.: 52665

This is a decision on the petition under 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 Requirement for Restriction/Election mailed August 12, 2010 (Requirement), which set a shortened statutory period for reply of one (1) month. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. The application became abandoned September 13, 2010. A Notice of Abandonment was mailed February 23, 2011.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of a Response to the Requirement mailed August 12, 2010, (2) a petition fee of $1860, and (3) a statement of unintentional delay. The reply to the Requirement is accepted as having been unintentionally delayed.

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

The application will be referred to Technology Center Art Unit 1722 for consideration of the Response submitted with the instant petition.

Robert DeWitty
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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January 30, 2012

MARSHALL & MELHORN, LLC
FOUR SEAGATE - EIGHTH FLOOR
TOLEDO OH 43604

In re Application of	:	
Neocles Leontis et al	:	**DECISION ON PETITION**
Application No. 12291697	:	
Filed: 11/13/2008	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. **1-21832**	:	***DRAWINGS***

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) July 7, 2011.

The petition is **GRANTED**.

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/291,714	11/13/2008	Janet Shangle	SSU 08298	4797

7590 02/21/2012

JAMES RAY & ASSOCIATES
2840 PITCAIRN ROAD
MONROEVILLE, PA 15146

EXAMINER	
GISHNOCK, NIKOLAI A	
ART UNIT	PAPER NUMBER
3715	
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
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Mr. Lee R. Golden
James Ray and Associates Intellectual Property, LLC
4268 Northern Pike
Monroeville, PA 15416

In re Application of:	Shangle et al.	:
Appl. No.:	12/291,714	:
Filed:	November 13, 2008	:
Attorney Docket:	SSU 08298	: DECISION ON PETITION
		: UNDER 37 C.F.R.
For:	SYSTEM, METHOD, AND ARTICLE OF MANUFACTURE FOR ENTERTAINING, EDUCATING, AND SOOTHING PATIENT AWAKE DURING DENTAL OR MEDICAL PROCEDURE	: §1.84(a)(2) TO : ACCEPT COLOR : DRAWINGS

This is a decision on the petition filed on November 13, 2008 by which petitioners request acceptance of color drawings. The petition is considered pursuant to 37 C.F.R. §1.84(a)(2), and a petition fee of $130 is required.

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. The color drawings must be of sufficient quality such that all details in the drawings are reproducible in black and white in the printed patent. The Office will accept color drawings in utility or design patent applications and statutory invention registrations only after granting a petition filed under this paragraph explaining why the color drawings are necessary. 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 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 is **DENIED**.

Review of the application and of the claims shows that submitted drawings indicates that all the necessary details of at least Figures 2, 3, 4, & 5 cannot be clearly reproduced in black and white, as required by 37 C.F.R. §1.84(a)(2).

Furthermore, in the petition entered 11/13/2008 no specific explanation of how the color drawings submitted represent the matching and selection of color opacity and density levels for locating object in a background images; all the photographs appear to represent is ordinary photographs with overlain images of dental tools; that is, no specific method of matching or selection is demonstrated by the drawings.

/XUAN M. THAI/

Xuan M. Thai, Supervisory Patent Examiner
Art Unit 3715

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100 WEST FIFTH STREET, 10TH FLOOR
TULSA OK 74103

MAILED

NOV 30 2010

PCT LEGAL ADMINISTRATION

In re Application of :
JONASSEN :
Application No.: 12/921,737 :
PCT No.: PCT/NO2009/000077 :
Int. Filing Date: 06 March 2009 :
Priority Date: 11 March 2008 :
Attorney Docket No.: 007831.00032 :
For: APPARATUS DEVICE FOR REMOVING :
SCALE IN A BOREHOLE :
INSTALLATION :

DECISION ON PETITION

UNDER 37 CFR 1.42

This application is before the Office of PCT Legal Administration for issues arising under 35 U.S.C. 371. The combined declaration and declaration filed 11 January 2010 is being treated as a request for status pursuant to 37 CFR 1.42. No petition fee is required.

BACKGROUND

On 06 March 2009, applicant filed international application PCT/NO2009/000077 which claimed priority to a previous application filed 11 March 2008. A copy of the international application was transmitted to the USPTO from the International Bureau (IB) on 17 September 2009. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States was set to expire at midnight on 11 September 2010.

On 09 September 2009, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, among other items, payment of the requisite basic national fee.

On 12 October 2010, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date. Applicant was afforded two months to file the proper reply and informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 19 October 2010, applicant filed the present response.

DISCUSSION

Pursuant to 37 CFR 1.42, first sentence:

> "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain a patent."

An examination of the filed declaration and power of attorney finds that the document lists the address, residence and citizenship for both the deceased inventor Jarle Jonassen and the legal heir to his estate, Ann Jeanett Jonassen Ellingsen. As such, the declaration is in compliance with 37 CFR 1.497(a)-(b). It is noted that both the declaration and response identify Ms. Ellingsen as "the heir" singular. Thus, the USPTO is interpreting this information to mean that no other heirs exist nor has a legal representative been appointed nor is statutorily required to be appointed. If this interpretation is incorrect applicant should contact the USPTO immediately as a new oath or declaration may be required.

In light of the above, it is proper to grant applicant's request at this time.

CONCLUSION

Applicant's request for status under 37 CFR 1.42 is **GRANTED**.

This application will be given an international application filing date of 06 March 2009 and a date of **19 October 2010** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

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

Doc Code: PET.RELIEF
Document Description: Certification and Request for Disaster Relief

PTO/SB/425 (03-11)

OPAP
APR 13 2011
IAP11
PATENT & TRADEMARK OFFICE

CERTIFICATION AND REQUEST FOR RELIEF DUE TO EVENTS OF MARCH 11, 2011, IN JAPAN (Page 1 of 2)

Nonprovisional Application Number or Control Number (if applicable):	Patent Number (if applicable):
12/291,896	
First Named Inventor:	**Title of Invention:**
Antonio Aguilar	Structure and mechanism of windshield ...

APPLICANT/PATENTEE/REEXAMINATION PARTY HEREBY CERTIFIES AND REQUESTS THE FOLLOWING FOR THE ABOVE-IDENTIFIED APPLICATION/PATENT/REEXAMINATION PROCEEDING.

1. FOR PATENT APPLICATIONS AND REEXAMINATION PROCEEDINGS PENDING IN THE USPTO AS OF MARCH 11, 2011, IN WHICH A COMMUNICATION FROM THE USPTO IS SOUGHT TO BE REMAILED:

   a. One or more inventors, an assignee, or a correspondence address (for the application/proceeding) is in an area of Japan affected by the earthquake and/or tsunami of March 11, 2011.

   b. A reply or response to an Office action (final, non-final, or other), a notice of allowance, or other Office notice (hereinafter collectively referred to as "Office communication") is outstanding on March 11, 2011.

   c. The statutory or non-statutory time period set for response has not yet expired.

   d. Withdrawal and reissuance of the Office communication is requested.

   e. It is acknowledged that if this request is not made within sufficient time so that withdrawal and reissuance of the Office communication occur prior to expiration of the statutory or non-statutory time period (as permitted to be extended under 37 CFR 1.136(a), or as extended under 37 CFR 1.550(c) or 1.956), this request may not be granted.

   f. The need for the reissuance of the Office communication was due to the effects of the earthquake and/or tsunami of March 11, 2011.

   g. This request is being sent via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

2. FOR PATENTEES WHO WERE UNABLE TO TIMELY PAY A PATENT MAINTENANCE FEE DURING THE SIX-MONTH GRACE PERIOD FOLLOWING THE WINDOW TO PAY THE MAINTENANCE FEE:

   a. The original window of time to pay the maintenance fee without the surcharge required by 37 CFR 1.20(h) expired on or after March 11, 2011.

   b. The delay in paying the fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.

   c. The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(h) for paying a maintenance fee during the six-month grace period following the window to pay the maintenance fee.

   d. This request and payment of the maintenance fee during the six-month grace period following the window to pay the maintenance fee is being mailed to: Director of the United States Patent and Trademark Office, Attn: Maintenance Fee, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314; or being transmitted via facsimile to: 571-273-6500.

CERTIFICATION AND REQUEST FOR RELIEF DUE TO EVENTS OF MARCH 11, 2011, IN JAPAN (Page 2 of 2)

3. FOR PATENTEES WHO NEED TO FILE A PETITION TO ACCEPT A DELAYED MAINTENANCE FEE PAYMENT UNDER 37 CFR 1.378(c):

   a. The maintenance fee payment was required to have been paid after March 10, 2011.

   b. A petition under 37 CFR 1.378(c) (using USPTO form PTO/SB/66 – Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(c))) is being promptly filed accompanied by the applicable maintenance fee payment (but not the surcharge under 37 CFR 1.20(i)).

   c. The delay in payment of the maintenance fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.

   d. The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(i) for accepting a delayed maintenance fee payment.

   e. It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed by March 11, 2012, in order to be entitled to a waiver of the surcharge under 37 CFR 1.20(i).

   f. It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed within twenty-four months from the expiration date of the patent. *See* 35 U.S.C 41(c).

   g. This request and the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) is being submitted via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

4. FOR NONPROVISIONAL PATENT APPLICATIONS FILED WITHOUT AN EXECUTED OATH OR DECLARATION OR PAYMENT OF THE BASIC FILING FEE, SEARCH FEE, AND/OR EXAMINATION FEE:

   a. The nonprovisional patent application was filed on or after March 11, 2011, and prior to April 12, 2011.

   b. The late filing of the oath or declaration or the basic filing fee, search fee, or examination fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.

   c. The USPTO is requested to *sua sponte* waive the surcharge set forth in 37 CFR 1.16(f) for the late filing of the oath or declaration or basic filing fee, search fee, and/or examination fee.

   d. This request, together with the executed oath or declaration or the basic filing fee, search fee, or examination fee, as well as the reply to the Notice to File Missing Parts, is being submitted via EFS-Web or by mail directed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature	Date April 11, 2011
Name (Print/Typed) Yasuo Muramatsu	Practitioner Registration Number 38,684

Note: *Signatures of all the inventors, § 1.41(b) applicants, or assignees of record of the entire interest or their representative(s), or reexamination requesters at the appeal stage are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.*

☐ *Total of _____ forms are submitted.

UNITED STATES PATENT AND TRADEMARK OFFICE

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MURAMATSU & ASSOCIATES
SUITE 310
114 PACIFICA
IRVINE CA 92618

MAILED
APR 26 2011
OFFICE OF PETITIONS

In re Application of	:	
Antonio Aguilar	:	
Application No. 12/291,896	:	DECISION ON PETITION
Filed: November 14, 2008	:	
Attorney Docket No. ALPINE.131AUS	:	

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 18, 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 3632 for re-mailing the Office action of January 18, 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

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/291,928	11/14/2008	Kevin T. Daley		8984

7590 04/12/2012

Kevin T. Daley
24260 Richbarn Road
Brooksville, FL 34601

EXAMINER	
CARONE, MICHAEL J	
ART UNIT	PAPER NUMBER
3641	

MAIL DATE	DELIVERY MODE
04/12/2012	PAPER

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

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

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APR 12 2012

Kevin T. Daley
24260 Richbarn Road
Brooksville FL 34601

APPLICANT: JOSEPH A. DALEY, JR	:	DECISION ON PETITION
SERIAL NO. 12/291,928	:	TO REVIEW EXAMINERS
FILED: November 14, 2008	:	DECISION
FOR: PROTECTION OF PERSONNEL AND ARTICLES FROM IMPACT OF BALLISTIC DEVICES	:	UNDER 37 CFR 1.181(a)

This is in response to the petition filed on October 24, 2011 to review the examiner's action and denial of entry of an affidavit after Notice of Appeal. Applicant is prosecuting the application Pro Se.

The petition is **DISMISSED**.

On September 14, 2010, the examiner rejected claims 1-15 over Gulbierez, U.S. Patent Number 3,771,418.

On May 23, 2011, the applicant cancelled claims 1-15 and added claim 16.

On June 7, 2011 the examiner issued a final Office action rejecting claim 16 over Berg, U.S. Patent Number 2,380,393 as well as Pagano et al., U.S. Patent Number 4,398,446.

On June 22, 2011, an interview was conducted wherein the examiner's position was presented. During the interview, the examiner suggested the filing of a pre-appeal to have applicant's position heard by two additional examiners. The examiner also indicated that an affidavit showing that the patents cited in the final Office action would not be capable of performing the function recited in the claim would overcome the current rejections of the claim.

On June 27, 2011 a notice of appeal along with a pre-appeal brief was filed. It is noted that no affidavit was submitted at this time.

On July 14, 2011 a panel decision of the pre-appeal review maintained the rejections and indicated that the issue was ripe for the Board of Appeals and Interferences.

On August 18, 2011 an appeal brief was filed. Along with the brief, applicant filed an evidence appendix consisting of 5 attachments. A review of these attachments show that they include a declaration by a military officer describing the patents at issue in the rejection and what their intended

purposes are. Also three new articles describing the state and/or need for better armor are described. None of the attachments provide a showing indicated in the examiners interview of June 22, 2011.

An examiner's answer to the appeal brief was issued on October 3, 2011, in which the examiner indicated that the attachments have not been considered since the rules preclude consideration of any further evidence not presented during prosecution of the application.

On October 24, 2011 the current petition was filed. In the petition, applicant raises the issue that the rejections are improper for various reasons, and argues that it is improper to refuse consideration and entry of the affidavits.

> The Manual of Patent Examining Procedure (MPEP), section 1201 states: *"The United States Patent and Trademark Office (Office) in administering the Patent Laws makes many decisions of a substantive nature which the applicant may feel deny him or her the patent protection to which he or she is entitled. The differences of opinion on such matters can be justly resolved only by prescribing and following judicial procedures. Where the differences of opinion concern the denial of patent claims because of prior art or other patentability issues, the questions thereby raised are said to relate to the merits, and appeal procedure within the Office and to the courts has long been provided by statute (35 U.S.C. 134).*
>
> *The line of demarcation between appealable matters for the Board of Patent Appeals and Interferences (Board) and petitionable matters for the Director of the U.S. Patent and Trademark Office (Director) should be carefully observed. The Board will not ordinarily hear a question that should be decided by the Director on petition, and the Director will not ordinarily entertain a petition where the question presented is a matter appealable to the Board."*

With respect to applicant's argument that the rejections of claim 16 over the prior art of Berg and Pagano et al. are improper because said prior art is structurally different from the claimed device, it is noted that applicant has raised a question on the propriety of the rejection, which is a question on the merits. According to MPEP 1201 cited above, a question related to the merits is a matter appealable to the Board, and not proper for petition. Therefore, the issue of whether the rejections of claim 16 are proper will not be addressed in this decision.

> 37 CFR 41.37(b)(2) states that "*A brief shall not include any new or non-admitted amendment, or any new or non-admitted affidavit or other evidence. See § 1.116 of this title for amendments, affidavits or other evidence filed after final action but before or on the same date of filing an appeal and § 41.33 for amendments, affidavits or other evidence filed after the date of filing the appeal.*"

With respect to the issue of non-entry or unreview of the attachments as evidence to overcome the prior art rejections of claim 16, it is noted that as new evidence, the attachments are not permitted in an appeal brief as specified in 37 CFR 41.37(b)(2).

> 37 CFR 41.33(d)(1) states: " *An affidavit or other evidence filed after the date of filing an appeal pursuant to §41.31(a)(1) through (a)(3) and prior to the date of filing a brief pursuant to § 41.37 may be admitted if the examiner determines that the affidavit or other evidence*

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overcomes all rejections under appeal and that a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented has been made."

MPEP 1206 (II) states that "*Affidavits or other evidence (e.g., declarations or exhibits) submitted after the date of filing a notice of appeal, but prior to the date of filing a brief pursuant to 37 CFR 41.37, may be admitted if the examiner determines that:*
(A) the affidavits or other evidence overcomes all rejections under appeal; and
(B) a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented has been made.
If the examiner denies the entry of such an affidavit or other evidence, the examiner should use form PTOL-303, "Advisory Action Before the Filing of an Appeal Brief," to notify the applicant of the non-entry and the reason for non-entry.
If the examiner determines that an affidavit or other evidence clearly places the application in condition for allowance, the examiner may enter the affidavit or other evidence and allow the application. Except as noted above, all other affidavits or other evidence filed after the date of filing a notice of appeal pursuant to 37 CFR 41.31(a)(1)-(a)(3) will not be admitted except as permitted by 37 CFR 41.39(b)(1), 41.50(a)(2)(i) and 41.50(b)(1)."

MPEP § 714.12 states that "*An affidavit or other evidence filed after a final rejection, but before or on the same date of filing an appeal, may be entered upon a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented in compliance with 37 CFR 1.116(e)."*

37 CFR § 1.116 (e) with regard to "Amendments and affidavits or other evidence after final action and prior to appeal" states that "*An affidavit or other evidence submitted 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), may be admitted upon a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented."*

Applicant argues in the petition that the examiner has erred in refusing to consider and to enter the attachments/affidavits as evidence to overcome the prior art rejections. A review of the prosecution shows that the attachments were not of record prior to the filing of the appeal brief on August 18, 2011, and thus are new evidence to the appeal brief. The rules regarding handling affidavits and other evidence are explicit on this issue. The Manual of Patent Examining Procedure (MPEP), section 714.12 and section 1206 discuss this issue. The current regulation 37 CFR 41.33 (d)(1) states that affidavits/evidence filed after the filing of a notice of appeal and prior to the filing of the appeal brief pursuant to 37 CFR 41.37 may be entered by the examiner upon a showing of good and sufficient reasons why it is necessary and not earlier presented. Rule 37 CFR 1.116 (e) specifies similar requirements for affidavits filed after final action but before or on the same date of filing an appeal. A review of the appeal brief and the attachments/affidavits revealed that applicant provides no explanation why the attachments/affidavits are necessary and were not earlier presented. The examiner is correct in his refusal to consider and enter the attachments for appeal purposes since applicant failed to comply with the requirement of "a showing of good and good and sufficient reasons why the declaration/exhibits is necessary and was not earlier presented" as dictated by 37 CFR § 1.116 (e) and 41.37 cited above. Therefore, applicant's arguments are not persuasive.

37 CFR 41.37 discusses what should be included in an appeal brief and in particular 41.37(c)(ix) states (with emphasis as underlined):
(ix)Evidence appendix. An appendix containing copies of any evidence submitted pursuant to §§ 1.130, 1.131, or 1.132 of this title or of any other evidence entered by the examiner and relied upon by appellant in the appeal, along with a statement setting forth where in the record that evidence was entered in the record by the examiner. Reference to un-entered evidence is not permitted in the brief. See § 41.33 for treatment of evidence submitted after appeal. This appendix may also include copies of the evidence relied upon by the examiner as to grounds of rejection to be reviewed on appeal.

It is clear from the examiner's answer dated October 3, 2011 that the attachments/affidavits have not been considered or entered by the examiner. As such, the new evidence does not satisfy the requirements of 37 C.F.R. § 41.37 (c)(1)(ix) for consideration on appeal. New evidence cannot be introduced into the appeal proceedings without the examiner's approval for entry into the record as stated in 37 C.F.R. § 41.37 (c)(1)(ix). It is improper for applicant to introduce new evidence in the appeal brief when the examiner has not had a chance to properly consider the evidence or approved its entry, and the new evidence did not meet the requirement set forth in MPEP § 1.116 (e) cited above.

For the foregoing reasons, applicant's request to enter the declaration/exhibits into the record is dismissed as applicant failed to comply with the requirements set forth in MPEP § 1.116 (e) and 37 C.F.R. § 41.37 (c)(1)(ix).

If the applicant wishes to have the evidence entered, the options are to file a Request for Continued Examination (RCE), or refile the application as a continuing application. Information as to how to file an RCE or continuing application may be found on our website at www.uspto.gov.

Any question concerning this decision should be referred to the examiners Supervisory Michael Carone at 571-272-6873.

Kathy Matecki

Kathy Matecki, Director
Technology Center 3600
(571) 272-5250

km/mc: 3/20/12

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 02/07/11

TO SPE OF : ART UNIT 2838

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/291,993 Patent No.: 7777458

CofC mailroom date: 12/8/10

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

RoChaun Johnson
Certificates of Correction Branch
703-756-1580

Thank You For Your Assistance

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

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

Comments: _____

_____

_____

_____

_____

_____ 2838
SPE **Art Unit**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/292,122	11/12/2008	Hiromitsu Ishihara	AISI-0140	3761

7590 07/28/2011

Juan Carlos A. Marquez
c/o Stites & Harbison PLLC
1199 North Fairfax Street
Suite 900
Alexandria, VA 22314-1437

EXAMINER	
KWON, JOHN	

ART UNIT	PAPER NUMBER
3747	

NOTIFICATION DATE	DELIVERY MODE
07/28/2011	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON VA 20191

MAILED

MAY 10 2011

OFFICE OF PETITIONS

In re Patent No. 7,915,792	:	
Issue Date: March 29, 2011	:	
Application No. 12/292,155	:	ON PETITION
Filed: November 12, 2008	:	
Attorney Docket No. 26A-079	:	

This is a decision on the petition filed March 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 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.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: 01282011

DATE : 10-04-10

TO SPE OF : ART UNIT 2882

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/292178 Patent No.: 7751527
Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Angela Green 703-756-1541
Certificates of Correction Branch
703-756-1814

Thank You For Your Assistance

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

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

Comments: _____

/Edward J Glick/ GAU 2882
SPE **Art Unit**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/292,188	11/13/2008	Michael Quinn	28139	5501

26975 7590 10/04/2010

MARIO D. THERIAULT
812 HWY. 101 NASONWORTH
FREDERICTON, NB E3C 2B5
CANADA

EXAMINER	
PATEL, NIHIR B	

ART UNIT	PAPER NUMBER
3772	

MAIL DATE	DELIVERY MODE
10/04/2010	PAPER

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

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

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Alexandria, VA 22313-1450
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MARIO D. THERIAULT
812 HWY. 101 NASONWORTH
FREDERICTON NB E3C 2B5 CA CANADA

In re Application of:
QUINN, MICHAEL
Serial No. 12/292,188
Filed: Nov. 13, 2008
Docket: 28139
Title: COUGH CATCHER WITH PROTECTION AGAINST GERM TRANSMISSION BY HAND CONTACT

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed Sep. 28, 2010 to make the above-identified application special.

The request and petition are **DISMISSED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the CIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the CIPO 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 CIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the CIPO 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 CIPO examiner in the CIPO 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 fail to include Item #6.

With regard to Item #6, the applicant must submit an IDS listing the documents cited by the CIPO examiner in the CIPO office action along with copies of documents except U.S. patents or U.S. patent application publications. Currently, copies of cited Canadian references, namely, CA 2626104A1 (Nov. 4, 2008) and CA 2510253 (Aug. 12, 2004) cited by the CIPO patent office are missing.

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

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

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

Petition is **dismissed**.

/Henry C. Yuen/

_____

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/292,188	11/13/2008	Michael Quinn	28139	5501

26975 7590 10/25/2010

MARIO D. THERIAULT
812 HWY. 101 NASONWORTH
FREDERICTON, NB E3C 2B5
CANADA

EXAMINER	
PATEL, NIHIR B	

ART UNIT	PAPER NUMBER
3772	

MAIL DATE	DELIVERY MODE
10/25/2010	PAPER

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

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

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MARIO D. THERIAULT
812 HWY. 101 NASONWORTH
FREDERICTON NB E3C 2B5 CA CANADA

In re Application of:
QUINN, MICHAEL
Serial No. 12/292,188
Filed: Nov. 13, 2008
Docket: 28139
Title: COUGH CATCHER WITH PROTECTION AGAINST GERM TRANSMISSION BY HAND CONTACT

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

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed October 14, 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 CIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the CIPO 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 CIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the CIPO 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 CIPO examiner in the CIPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

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

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

All other inquiries concerning the examination or status of the application should be directed to Patricia Bianco, SPE of Art Unit 3772, and 571-272-4940.

The application will be forwarded to the examiner for action on the merits commensurate with this decision.

Petition Granted.

/Henry C. Yuen/

_____

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/292,215	11/13/2008	Jin Mun Ryu	1952.1082	1021

21171 7590 07/22/2011

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

EXAMINER	
FULLER, RODNEY EVAN	

ART UNIT	PAPER NUMBER
2862	

MAIL DATE	DELIVERY MODE
07/22/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Application No.: 12292215 :
Filed: 11/13/2008 : **DECISION ON PETITION**
Patent Number: 7,925,154 :
Issue Date: 04/12/11 :
Attorney Docket No. **1952.1082** :

This is a decision on the Petition filed under 37 CFR 1.181 received in the United States Patent and Trademark Office (USPTO) on July 14, 2011. Petitioner seeks relief from filing a Petition for Duplicate Letters Patent in this application due to the non-receipt of a large number of Patent Grants in the April 12, 2011 issue.

The Petition is **GRANTED**.

Petitioner submitted a statement that the Patent Grant was not received at the correspondence address of record; that a search of records did not indicate receipt; and that the docketing system is sufficiently reliable. Petitioner filed a copy of the docketing records showing receipts dates and application history as evidence.

Therefore, the Office of Data Management will provide one additional Original Letters Patent for this application.

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

/Kimberly Terrell/
Manager
Office of Data Management
Patent Publication Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DENYSE CLAIRE DUBRUCQ
1 WEBSTER STREET
ARLINGTON MA 02474-5203

MAILED

JAN 05 2011

OFFICE OF PETITIONS

In re Application of
Denyse Claire Dubrucq
Application No. 12/292,283
Filed: November 14, 2008
Title of Invention: **BORING GREEN-HYDRO, CRYO VERTICAL DRILLING**

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(a)[1], filed December 10, 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(a)" or "Renewed Petition under 37 CFR 1.137(b)." This is not a final agency decision.

This application became abandoned on July 28, 2010, for failure to timely respond to the non-Final Office Action mailed April 27, 2010 and which set a three (3) month period for reply. Accordingly, a Notice of Abandonment was mailed November 23, 2010.

Petitioner asserts unavoidable delay in responding to the non-Final Office Action mailed April 27, 2010 because while the Office Action was received, petitioner was in the process of moving, filed and packed the Office Action away and forgot to respond.

---

[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)).

The petition however, lacks the required petition fee in accordance with 37 CFR 1.137(a)(2) and 37 CFR 1.17(l), which is set at $270.00 for a small entity and $540.00 for a large entity and thus, a petition fee is due before a petition on the merits can be addressed and granted. The application will therefore remain in an abandoned status until such time as the petition fee has been paid.

While a discussion on the merits under the unavoidable standard can not be addressed until the petition fee is paid in full, petitioner is advised that the explanation provided does not rise to the level of unavoidable delay. Instead of an unavoidable delay, the facts presented demonstrate a lack of diligence.

Petitioner has not acted with diligence to ensure that a response was filed and thus as a result, the cause of delay in responding to the non-Final Office Action can only be seen as an action that could have been avoided.

Petitioner may wish to consider filing a petition under 37 CFR 1.137(b)[2], 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).

A further review of the record reveals that the instant petition includes reference to the reason for abandonment in application no. 11/825,992 however there is no petition for

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

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

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

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

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

revival filed in that matter. Petitioner is advised that the requirements of 37 CFR 1.4, in part, are that (b) Since each file must be complete in itself, a separate copy of every paper to be filed in a patent, patent file, or other proceeding must be furnished for each file to which the paper pertains, even though the contents of the papers filed in two or more files may be identical.....

(c) Since different matters may be considered by different branches or sections of the United States Patent and Trademark Office, each distinct subject, inquiry or order must be contained in a separate paper to avoid confusion and delay in answering papers dealing with different subjects.

In view thereof, this decision only responds to the abandonment of application no. 12/292,283. If petitioner desires to revive application.no. 11/825,992, petitioner will need to file a petition in that matter.

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

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

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

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ROSENBERG, KLEIN & LEE
3458 ELLICOTT CENTER DRIVE-SUITE 101
ELLICOTT CITY MD 21043

MAILED
MAR 15 2011
OFFICE OF PETITIONS

In re Application of :
Ting-Pan Liu :
Application No. 12/292295 :
Filing or 371(c) Date: 11/17/2008 : ON PETITION
Attorney Docket Number: :
MR2349-1937 :

This is a decision on the Petition Under 37 CFR 1.137(b), filed November 29, 2010, to revive the above-identified application.

The petition is **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed April 7, 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 complete and proper reply having been received, the application became abandoned on July 8, 2010. A Notice of Abandonment was mailed October 22, 2010.

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

This application is being referred to Technology Center Art Unit 2839 for processing of the Amendment filed with the petition in the normal course of business.

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

/DLW/

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/292,361	11/18/2008	Hiroshi Kawauchi	KAWA3036/GAL	3413

7590 09/22/2010

BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

EXAMINER	
ARTHUR JEANGLAUDE, GERTRUDE	

ART UNIT	PAPER NUMBER
3661	

MAIL DATE	DELIVERY MODE
09/22/2010	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.

Betty Powell

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/292,520	11/20/2008	Ran Ankory	45097	5300

7590 07/20/2011

MARTIN D. MOYNIHAN d/b/a PRTSI, INC.
P.O. BOX 16446
ARLINGTON, VA 22215

EXAMINER	
THANGAVELU, KANDASAMY	
ART UNIT	PAPER NUMBER
2123	
MAIL DATE	DELIVERY MODE
07/20/2011	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 20, 2011

MARTIN D. MOYNIHAN d/b/a PRTSI, INC.
P.O. BOX 16446
ARLINGTON VA 22215

Re Application of
ANKORY, RAN, ET AL
Application: **12/292520**
Filed: **11/20/2008**
Attorney Docket No: **45097**

: **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 08, 2008.

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

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification 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.
12/292,563	11/20/2008	Wolfgang Aehle	31060US	2304

5100 7590 04/08/2011

DANISCO US INC.
ATTENTION: LEGAL DEPARTMENT
925 PAGE MILL ROAD
PALO ALTO, CA 94304

EXAMINER	
PROUTY, REBECCA E	

ART UNIT	PAPER NUMBER
1652	

MAIL DATE	DELIVERY MODE
04/08/2011	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

APR 0 8 2011

DANISCO US INC.
ATTENTION: LEGAL DEPARTMENT
925 PAGE MILL ROAD
PALO ALTO CA 94304

In re Application of:
Aehle, et al.
Serial No.: 12/292,563
Filed: November 20, 2008
Attorney Docket No.: **31060US**

: PETITION DECISION

This is in response to the renewed petition under 37 CFR § 1.59(b), filed March 25, 2011, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the amendment and response filed on January 14, 2011 filed together with a Replacement Sheet Drawing be expunged as it was intended to be filed in another U.S. Patent Application No. 11/963,285, filed December 21, 2007. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

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

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

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

PATTON BOGGS LLP
8484 WESTPARK DRIVE
SUITE 900
MCLEAN, VA 22102

MAILED
MAR 05 2012
OFFICE OF PETITIONS

In re Application of
Eran Hirszowicz, et al.
Application No. 12/292,597
Filed: November 21, 2008
Attorney Docket No. 026413.102N1US

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 9, 2012.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Patton Boggs, LLP has been revoked by the assignee of the patent application on February 16, 2012. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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LITMAN LAW OFFICES, LTD.
POST OFFICE BOX 15035
CRYSTAL CITY STATION
ARLINGTON VA 22215

MAILED

AUG 16 2010

OFFICE OF PETITIONS

In re Application of
Jason E. Dunlap
Application No. 12/292,616
Filed: November 21, 2008
Attorney Docket No. **30619.00**

DECISION ON PETITION

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed November 13, 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 14, 2010.

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

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 JoAnne Burke at (571) 272-4584.

This application is being referred to Technology Center AU 3654 for appropriate action by the Examiner in the normal course of business.

JoAnne Burke
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/292,622	11/21/2008	Hiroshi Kawauchi	138439	6730

7590 06/16/2011

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

EXAMINER	
SMITH, JEFFREY A	

ART UNIT	PAPER NUMBER
3625	

NOTIFICATION DATE	DELIVERY MODE
06/16/2011	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

Doc Code: PET.RELIEF
Document Description: Certification and Request for Disaster Relief

PTO/SB/425 (03-11)

CERTIFICATION AND REQUEST FOR RELIEF DUE TO EVENTS OF MARCH 11, 2011, IN JAPAN (Page 1 of 2)

Nonprovisional Application Number or Control Number (if applicable):	Patent Number (if applicable):
12/292,630	
First Named Inventor:	**Title of Invention:**
Tatsuo Koike	Power Drive Unit

APPLICANT/PATENTEE/REEXAMINATION PARTY HEREBY CERTIFIES AND REQUESTS THE FOLLOWING FOR THE ABOVE-IDENTIFIED APPLICATION/PATENT/REEXAMINATION PROCEEDING.

1. FOR PATENT APPLICATIONS AND REEXAMINATION PROCEEDINGS PENDING IN THE USPTO AS OF MARCH 11, 2011, IN WHICH A COMMUNICATION FROM THE USPTO IS SOUGHT TO BE REMAILED:

   a. One or more inventors, an assignee, or a correspondence address (for the application/proceeding) is in an area of Japan affected by the earthquake and/or tsunami of March 11, 2011.

   b. A reply or response to an Office action (final, non-final, or other), a notice of allowance, or other Office notice (hereinafter collectively referred to as "Office communication") is outstanding on March 11, 2011.

   c. The statutory or non-statutory time period set for response has not yet expired.

   d. Withdrawal and reissuance of the Office communication is requested.

   e. It is acknowledged that if this request is not made within sufficient time so that withdrawal and reissuance of the Office communication occur prior to expiration of the statutory or non-statutory time period (as permitted to be extended under 37 CFR 1.136(a), or as extended under 37 CFR 1.550(c) or 1.956), this request may not be granted.

   f. The need for the reissuance of the Office communication was due to the effects of the earthquake and/or tsunami of March 11, 2011.

   g. This request is being sent via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

2. FOR PATENTEES WHO WERE UNABLE TO TIMELY PAY A PATENT MAINTENANCE FEE DURING THE SIX-MONTH GRACE PERIOD FOLLOWING THE WINDOW TO PAY THE MAINTENANCE FEE:

   a. The original window of time to pay the maintenance fee without the surcharge required by 37 CFR 1.20(h) expired on or after March 11, 2011.

   b. The delay in paying the fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.

   c. The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(h) for paying a maintenance fee during the six-month grace period following the window to pay the maintenance fee.

   d. This request and payment of the maintenance fee during the six-month grace period following the window to pay the maintenance fee is being mailed to: Director of the United States Patent and Trademark Office, Attn: Maintenance Fee, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314; or being transmitted via facsimile to: 571-273-6500.

CERTIFICATION AND REQUEST FOR RELIEF DUE TO EVENTS OF MARCH 11, 2011, IN JAPAN (Page 2 of 2)

3. FOR PATENTEES WHO NEED TO FILE A PETITION TO ACCEPT A DELAYED MAINTENANCE FEE PAYMENT UNDER 37 CFR 1.378(c):

   a. The maintenance fee payment was required to have been paid after March 10, 2011.

   b. A petition under 37 CFR 1.378(c) (using USPTO form PTO/SB/66 – Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(c))) is being promptly filed accompanied by the applicable maintenance fee payment (but not the surcharge under 37 CFR 1.20(i)).

   c. The delay in payment of the maintenance fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.

   d. The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(i) for accepting a delayed maintenance fee payment.

   e. It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed by March 11, 2012, in order to be entitled to a waiver of the surcharge under 37 CFR 1.20(i).

   f. It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed within twenty-four months from the expiration date of the patent. *See* 35 U.S.C 41(c).

   g. This request and the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) is being submitted via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

4. FOR NONPROVISIONAL PATENT APPLICATIONS FILED WITHOUT AN EXECUTED OATH OR DECLARATION OR PAYMENT OF THE BASIC FILING FEE, SEARCH FEE, AND/OR EXAMINATION FEE:

   a. The nonprovisional patent application was filed on or after March 11, 2011, and prior to April 12, 2011.

   b. The late filing of the oath or declaration or the basic filing fee, search fee, or examination fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.

   c. The USPTO is requested to *sua sponte* waive the surcharge set forth in 37 CFR 1.16(f) for the late filing of the oath or declaration or basic filing fee, search fee, and/or examination fee.

   d. This request, together with the executed oath or declaration or the basic filing fee, search fee, or examination fee, as well as the reply to the Notice to File Missing Parts, is being submitted via EFS-Web or by mail directed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature /Michael Lau/	Date 4/13/2011
Name (Print/Typed) Michael N. Lau	Practitioner Registration Number 39479

***Note**: Signatures of all the inventors, § 1.41(b) applicants, or assignees of record of the entire interest or their representative(s), or reexamination requesters at the appeal stage are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.*

■ *Total of 1 forms are submitted.

UNITED STATES 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 N. LAU
LAU & ASSOCIATES, LLC
2121 EISENHOWER AVENUE
SUITE 200
ALEXANDRIA VA 22314

MAILED
APR 15 2011
OFFICE OF PETITIONS

In re Application of
Koike et al.
Application No. 12/292,630
Filed: November 21, 2008
Attorney Docket No. 081101

DECISION ON PETITION

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 2835 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

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.
12/292,709	11/25/2008	Kazuki Arakawa	11-427	7379

23400 7590 10/17/2011

POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

EXAMINER	
NOORI, MAX H	

ART UNIT	PAPER NUMBER
2855	

NOTIFICATION DATE	DELIVERY MODE
10/17/2011	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

OCT 14 2011

In re Application of
ARAKAWA et al.
Application No.: 12/292709
Filed: 25 November 2008
Attorney Docket No.: 11-427
For: YAW RATE SENSOR USING SURFACE ACOUSTIC WAVE

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 17 August 2011, to make the above-identified application special.

The request and petition are **DENIED**.

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

1. The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority then the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
   b. An English translation of the allowable/patentable claim(s) and
   c. A statement that the English translation is accurate;

3. Applicant must
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;

4. Examination of the U.S. application has not begun;

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

    Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;

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

Regarding the requirement of condition (4), examination of the US application has begun.

No further consideration will be undertaken on this matter.

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

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

/Colleen Dunn/

Colleen Dunn
Quality Assurance Specialist
Technology Center 2800

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P.O. Box 1450
Alexandria, VA 22313-1450
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HAVERSTOCK & OWENS LLP
162 N WOLFE ROAD
SUNNYVALE CA 94086

MAILED

JUN 16 2011

OFFICE OF PETITIONS

In re Application of :
Aaron Jungreis :
Application No. 12/292,721 : ON PETITION
Filed: November 21, 2008 :
Attorney Docket No.: FLEX-03100 :

This is a decision on the petition filed May 31, 2011 under 37 CFR 1.181 to withdraw the holding of abandonment.

The petition to withdraw the holding of abandonment is **GRANTED**.

The application was held abandoned on October 26, 2010 for failure to file a timely response to the non-Final Office Action mailed July 23, 2010, which set a three (3) month shortened period for reply. No extensions of time in accordance with 37 CFR 1.136(a) were obtained. A Notice of Abandonment was mailed May 16, 2011.

Petitioner asserts that a proper response, was filed on August 17, 2010 and in support, petitioner submits a copy of the reply said to have been filed, which includes a certificate of mail dated August 17, 2010, pursuant to 37 CFR 1.8.

The evidence submitted corroborates a timely response to the non-Final Office Action. 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 Technology Center 2816 for appropriate action on the amendment filed August 17, 2010, a copy of which has been submitted May 31, 2011 with the instant petition.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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Peter W. Gowdey
Davidson Berquist Jackson & Gowdey, LLP
4300 Wilson Blvd., 7th Floor
Arlington, VA 22203

MAILED
MAY 20 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	
Collina, et al.	:	DECISION ON
U.S. App No.: 12/292,749	:	PETITION
Attorney's Docket No.: 2675-0042	:	UNDER
For: METHOD OF RAISING A BUILDING	:	37 CFR 1.78(a)(3)

This is a petition decision on petition under 37 CFR 1.78(a)(3), filed 28 March 2011, to accept an unintentionally delayed claim under 35 U.S.C. 120 and 365(c) for benefit of priority to international application PCT/IB2007/001362 filed on 25 May 2007, set forth in the amendment filed 28 March 2011.

The petition is **GRANTED**.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional application is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

A petition for acceptance of a late claim for priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

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

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that (1) a reference to the prior-filed international application has been included in an amendment to the first sentence of the specification following the title, as provided by 37 CFR 1.78(a)(2)(iii),

(2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains an acceptable statement of unintentional delay. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. 120 to the prior-filed international application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

With respect to applicant's argument that no surcharge is warranted or required for this petition because the USPTO did not notify applicant earlier that the application is a "by-pass" application, there is no requirement for the Office to notify applicant that the case is being treated under 35 USC 111(a). In any event, the USPTO mailed applicant a "NOTICE TO FILE MISSING PARTS OF A NONPROVISIONAL APPLICATION FILED UNDER 37 CFR 1.53(b)" which should have alerted the attorney to such treatment. See MPEP 201.06(c), which states "37 CFR 1.53(b) is the section under which all applications are filed EXCEPT: (A) an application resulting from entry of an international application into the national stage under 35 U.S.C. 371 and 37 CFR 1.495; (B) a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c); or (C) a continued prosecution application (CPA) of a design application under 37 CFR 1.53(d). Applications submitted under 37 CFR 1.53(b), as well as CPAs submitted under 37 CFR 1.53(d), are applications filed under 35 U.S.C. 111(a)." The appropriate petition fee has been charged to applicant's deposit account.

Any inquiries concerning this decision may be directed to Debra Brittingham at (571) 272-3280. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

/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

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

MAILED

DEC 12 2011

OFFICE OF PETITIONS

In re Application of :
Frampton E. ELLIS :
Application No. 12/292,769 : DECISION ON PETITION
Filed: November 25, 2008 : TO MAKE SPECIAL UNDER
Attorney Docket No. 05884.0048-00000 : 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 because it is MOOT.**

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

The instant petition includes a statement signed by the applicant. Since the application is currently in a status where a reply is needed from the applicant, special status cannot be granted at the present time. Accordingly, the above-identified application has not been accorded "special" status.

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.

The application is being referred to the Office of Data Management to await a reply to the Office communication mailed October 26, 2011.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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LAW OFFICES OF BRIAN S STEINBERGER
101 BREVARD AVENUE
COCOA FL 32922

MAILED
NOV 07 2011
OFFICE OF PETITIONS

In re Application of :
Douglas P. Davis :
Application No. 12/292,770 : DECISION ON PETITION
Filed: November 26, 2008 :
Attorney Docket No. PC-2903 :

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

The petition is **GRANTED**.

The application became abandoned for failure to properly reply in a timely manner to the final Office action mailed, January 10, 2011, which set a shortened statutory period for reply of three (3) months. A one month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on May 11, 2011. A Notice of Abandonment was mailed on September 1, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a RCE (Request for Continued Examination, with the required fee of $465, (2) the petition fee of $930, and (3) a proper statement of unintentional delay. Accordingly, the RCE is accepted as being unintentionally delayed.

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

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

This application is being referred to Technology Center AU 3641 for appropriate action by the Examiner in the normal course of business on the reply received October 14, 2011.

/Kimberly Inabinet/
Kimberly Inabinet
Petitions Examiner
Office of Petitions

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WENDEROTH, LIND & PONACK, L.L.P.
1030 15th Street, N.W.,
Suite 400 East
Washington DC 20005-1503

MAILED
MAR 20 2012
OFFICE OF PETITIONS

In re Patent No. 7,868,520 :
Issue Date: January 11, 2011 :
Application No. 12/292,803 : DECISION ON PETITION
Filed: November 26, 2008 :
Attorney Docket No. **2008_2098A** :

This is a decision on the petition March 6, 2012, requesting issuance of a duplicate Letters Patent for the above-identified patent that is being considered under 37 CFR 1.182.

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

The Office of Data Management is directed to issue duplicate Letters Patent.

As authorized, the $400 fee for the petition under 37 CFR 1.182 has been assessed to petitioner's deposit account.

A copy of this decision is being forwarded to the Office of Data Management for issuance of the duplicate Letters Patent.

Any questions concerning this matter may be directed to the undersigned at (571) 272-4584. Any questions concerning issuance of the duplicate Letters Patent should be directed to Kimberly Terrell at the Office of Data Management (ODM) 571-272-4200.

JoAnne Burke
Petitions Examiner
Office of Petitions

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FEB 28 2012
OFFICE OF PETITIONS

ROBERT E. BUSHNELL & LAW FIRM
2029 K STREET NW
SUITE 600
WASHINGTON DC 20006-1004

In re Application of
Kim, et al.
Application No. 12/292,848
Filed: November 26, 2008
Attorney Docket Number: P58862

DECISION
ON PETITION

This is in response to the petition under 37 CFR 1.84(a)(2), filed February 23, 2009, for acceptance of color drawings.

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.

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

(1) The fee set forth in 37 C.F.R. 1.17(h);

(2) Three (3) sets of color drawings, or one (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.

In addition, MPEP 608.02 states that a petition to accept color drawings will only be granted when the Office "has determined that a color drawing or photograph is the only practical medium by which to disclose in a printed utility patent the subject matter to be patented."

Here, the Office has determined that color drawings are not the only practical medium by which to disclose the subject matter. See, e.g. MPEP 608.02, Section IX, which states that drawing symbols can be used to indicate various materials where the material is an important feature of the invention.

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

By mail: Mail Stop Petitions
Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

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

The application is being forwarded to Group Art Unit 2879.

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

Date Mailed : November 28, 2011

Patent No. :7987279
Inventor :Hiroshi HASHIMOTO et all
Patent Issued :July 26, 2011
Title :CONTROL-RELAY APPARATUS

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.

Review of the application file has revealed the omission of the Foreign Priority data on the printed patent as a result of applicant's failure to fully comply with 35 U.S.C. 119, in that requirements were not met. Applicant's attention is directed to MPEP 201.14(a), 37 CFR 1.17(i).

In view of the foregoing, applicant's request in this matter is hereby denied.

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.

Mary Diggs, Supervisor
Decisions & Certificates
of Correction Branch
(703) 756-1580 or (571) 272- 9005

J. Randall Beckers
1201 New York Ave., N.W., 7th Flr.
Washington, DC 20005

/arg

Form PTO-1449 (REV. 1/06) US Dept. of Commerce PATENT & TRADEMARK OFFICE INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)	ATTY DOCKET NO. 125938.01	APPLICATION NO. Rule 53(b) Continuing Application of U.S. Patent Application No. 11/270,549
	APPLICANT(S) Satoru KODAIRA et al.	
	FILING DATE December 2, 2008	

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No.	Document Number	Date	Country	With English Abstract	With English Translation
	109	JP-A-2001-222249	8/17/2001	Japan		
	110	JP-A-2001-222276	8/17/2001	Japan		
	111	JP-A-2001-067868	3/16/2001	Japan		
	112	JP-A-2002-358777	12/13/2002	Japan		
	113	KR 10-2005-0011743	1/29/2005	Korea		
	114	JP A 2005-17725	1/20/2005	Japan		
	115	JP A 2004-328456	11/18/2004	Japan		
	116	JP A 11-261011	9/24/1999	Japan		
	117	JP A 2005-72607	3/17/2005	Japan		
	118	KR A 1992-17106	9/26/1992	Korea		
	119	KR A 2001-100814	11/14/2001	Korea		
	120	EP 0 499 478 A2	8/19/1992	Europe		
	121	JP A 4-370595	12/22/1992	Japan		
	122	JP A 1-171190	7/9/1989	Japan		
	123	JP A 63-225993	9/20/1988	Japan		
	124	JP A 2002-244624	8/30/2002	Japan		
	125	JP A 2003-330433	11/19/2003	Japan		
	126	JP A 7-281634	10/27/1995	Japan		
	127	JP A 2003-022063	1/24/2003	Japan		
	128	JP A 2004-040042	2/5/2004	Japan		
	129	JP A 11-330393	11/30/1999	Japan		
	130	JP A 11-274424	10/8/1999	Japan		
	131	JP A 2004-146806	5/20/2004	Japan		
	132	CN 1542964	11/3/2004	China		
	133	CN 1534560	10/6/2004	China		
	134	JP A 8-69696	3/12/1996	Japan		
	135	JP A 2004-159314	6/3/2004	Japan		
	136	KR 1999-88197	12/27/1999	Korea		
	137	JP A 5-181154	7/23/1993	Japan		
	138	TW I224300	3/7/2003	Taiwan		
	139	TW 563081	11/21/2003	Taiwan		
	~~140~~	~~KR1997-53834~~		~~Korea~~		

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /TL/

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BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD MI 48075

MAILED

DEC 22 2010

OFFICE OF PETITIONS

In re Application of :
Gerard Vrijburg Sjoerd :
Application No. 12/293,008 :
Filed: January 5, 2009 :
Attorney Docket No. ALLP0104PUSA :

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 4, 2010.

The request is **NOT APPROVED**.

The Request for Withdrawal as Attorney or Agent and Change of Correspondence Address submitted on November 4, 2010 is hereby not accepted. Petitioner has not complied with current USPTO requirements, as set forth in 37 CFR 10.40 concerning Request for Withdrawal as Attorney and Change of Correspondence Address. Specifically, pursuant to 37 CFR 10.40, the Office will require the practitioner(s) to certify that he, she or they have:

> (1) given reasonable notice to the client, prior to the expiration of the reply period, that the practitioner(s) intends to withdraw from employment;
>
> (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and
>
> (3) notified the client of any replies that may be due and the time frame within which the client must respond.

Petitioner has not complied with items (2) and (3) of the above certifications. It is suggested that petitioner submit a properly completed PTO/SB/83 (form enclosed), which provides a section wherein practitioners may certify the completion of the above-listed activities necessary for the request to withdraw from representation to be granted.

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

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

Therefore, as there is currently no Statement under 37 CFR 3.73(b) of record in the instant application, the Office cannot change the correspondence address to the address on the Request to Withdraw.

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

Currently, there is an outstanding Office action mailed August 31, 2010 that requires a reply.

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

Joan Olszewski
Petitions Examiner
Office of Petitions

Enclosure: PTO/SB/83 form

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ROBERTS MLOTKOWSKI SAFRAN & COLE, P.C.
Intellectual Property Department
P.O. Box 10064
MCLEAN VA 22102-8064

MAILED

JUN 17 2011

OFFICE OF PETITIONS

In re Application of :
Pham, et al. :
Application No. 12/293,015 :
Filed: September 15, 2008 :
Attorney Docket No. 14851 :

ON PETITION

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

The petition is **GRANTED**.

The application became abandoned November 20, 2010 for failure to timely submit a proper reply to the final Office action mailed August 19, 2010. The final Office action set a three month shortened statutory period of time for reply. Notice of Abandonment was mailed March 17, 2011.

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

The 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), including fee and submission required by 37 CFR 1.114; (2) the required petition fee; and (3) a proper statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See, In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $1,110.00 extension of time fee submitted with the petition was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

This application is being referred to Technology Center AU 1767 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

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

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

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Flynn IP Law
Post Office Box 4655
Chapel Hill, NC 27514-4655

MAILED
MAR 13 2012
OFFICE OF PETITIONS

In re Application of Cope et al. :
Application No. 12/293,034 : Decision on Petition
Int'l Filing Date: March 16, 2007 :
Attorney Docket No. RP06001USU :

This is a decision on the petition under 37 CFR 1.137(a) filed January 24, 2012, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter titled "Renewed Petition under 37 CFR 1.137(a)." This decision is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Background

On June 27, 2011, the Office issued a non-final Office, which set a shortened statutory time period for reply of three months.

The law firm handling the case informed the assignee of the Office action on June 27, 2011.

The last date a reply could have been timely filed with a three-month extension of time was December 27, 2011.

Only four working days before the last date the reply could have been timely filed with payment for a three-month extension of time, one of the inventors sent an e-mail. The petition asserts the e-mail was sent to Attorney Kevin Flynn and to Tom Brough, an employee of the assignee. The petition states the e-mail included "an implied invitation to draft and file a response." The petition asserts Flynn did not receive a copy of the e-mail. A copy of the e-mail was received by Brough.

For unknown reasons, Brough did not send Flynn instructions to respond to the Office action.

The petition states Brough informed Flynn on January 10, 2012, that the assignee had intended for a reply to be filed in response to the June 27, 2011 Office action.

Since neither a reply nor a request for an extension of time was timely filed, the application became abandoned on September 28, 2011.

Discussion

A grantable petition under 37 CFR 1.137(a) must be accompanied by 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 this paragraph was unavoidable.

"[T]he question of whether an applicant's delay in prosecuting an application was unavoidable must be decided on a case-by-case basis, taking all of the facts and circumstances into account."[1] In order for a party to prove unavoidable delay, the Office requires the party demonstrate the party exercised the "care or diligence tha[t] is generally used and observed by prudent and careful men in relation to their most important business."[2]

The assignee was aware of the June 27, 2011 Office action, but failed to timely instruct any attorney or agent to file a reply. The record fails to demonstrate a party exercising the same level of care generally used by reasonable and prudent individuals when handling their most important, would have failed to (1) timely provide an attorney or agent with instructions to file a reply or (2) timely file a reply on its own behalf.

The petition states an e-mail sent by one of the inventors was not received by Flynn. However, the record fails to provide any explanation for Flynn's failure to receive the e-mail. For example, the record fails to indicate whether the e-mail was sent to a correct e-mail address.

The exact relevancy of the e-mail is unclear because the record fails to indicate the inventor had the authority to instruct Flynn to file a reply. Even if the record demonstrated the inventor had the authority to give instructions to Flynn to file a reply, the record fails to prove the inventor gave such instructions. The petition simply states the e-mail included "an implied invitation to draft and file a response" and the petition does *not* include a copy of the e-mail.

The petition fails to prove the law firm or Flynn took any steps to contact the assignee for instructions other than sending a cop of the Office action to the assignee.

In view of the prior discussion, the record is insufficient to prove the delay in the submission of a reply to the June 27, 2011 Office action was unavoidable.

---

[1] *Smith v. Mossinghoff*, 671 F.2d 533, 538, 213 U.S.P.Q. (BNA) 977 (1982).

[2] *In re Mattulath*, 38 App. D.C. 497, 514-15 (D.C. Cir. 1912). *See also Ray v. Lehman*, 55 F.3d 606, 34 U.S.P.Q.2d (BNA) 1786 (Fed. Cir. 1995) (citations omitted) ("[I]n determining whether a delay in paying a maintenance fee was unavoidable, one looks to whether the party responsible for payment of the maintenance fee exercised the due care of a reasonably prudent person.")

Petitioner May Wish to File a Petition Under 37 CFR 1.137(b)

If Petitioner cannot provide the evidence necessary to establish unavoidable delay, or simply does not wish to, Petitioner may file a petition to revive based on unintentional abandonment under 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by the required reply (already submitted), the required petition fee ($930 for a small entity), and a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

A PDF "fillable" form that may be used when filing a petition under 37 CFR 1.137(b) can be found at: http://www.uspto.gov/web/forms/sb0064.pdf.

The Terminal Disclaimer and Fees

The petition includes a terminal disclaimer. However, the terminal disclaimer is not required because the application was filed after June 8, 1995, and is not a design application. Therefore, the terminal disclaimer is not accepted and the terminal disclaimer fee of $80 is refundable.

The petition includes a $635 payment for a three-month extension of time. However, an extension of time may not be obtained after the expiration of the maximum extendable period for reply and submission of a payment for an extension of time is not necessary when reviving an application. Therefore, the $635 fee is refundable.

If a renewed petition is filed under 37 CFR 1.137(a), Petitioner may include a request for a refund of the fees ($80 and $635) in the petition.

If a petition is filed under 37 CFR 1.137(b), Petitioner may request the fees be submitted towards the required petition fee for the petition and submit $215 for the remainder of the petition fee.

If Petitioner chooses to allow the application to remain abandoned and does not file a petition, Petitioner may request a refund of the fees by sending a request for a refund of the fees and a copy of the instant decision to Mail Stop 16, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Further correspondence with respect to this matter may be submitted as follows:

By Internet: A request for reconsideration may be filed electronically using EFS Web.[3] 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

[3] General Information concerning EFS Web can be found at http://www.uspto.gov/patents/process/file/efs/index.jsp.

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

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 02-25-12

TO SPE OF : ART UNIT 02-04-12

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/293066 Patent No.: 8049018

CofC mailroom date: 01-23-12

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Note: _____

_____

Angela Green 571.272.9005

CofC Branch 703-756-1814

Thank You For Your Assistance

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

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

Comments: _____

SPE //Joseph K. McKane// **Art Unit** 1626

UNITED STATES 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 30 2011
OFFICE OF PETITIONS

Griffin & Szipl, PC
Suite PH-1
2300 Ninth Street, South
Arlington, VA 22204

In re Application of :
Hans-Ulrich Kühnel :
Application No. 12/293,156 : DECISION ON PETITION
Filed: February 27, 2009 : TO WITHDRAW
Attorney Docket No. TERSMI0010 : 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, 2011.

The request is **moot because a revocation of power of attorney has been filed.**

A review of the file record indicates that the power of attorney to Griffin & Szipl, PC and all attorneys/agents associated with customer number 24203 has been revoked by the assignee of the patent application on November 15, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Patent Law Offices of Dr. Norman B. Thot
Postfach 10 17 56
Ratingen 40837 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
12/293,156	02/27/2009	Hans-Ulrich K¿hnel	TERSMI0020

CONFIRMATION NO. 8354

24203
GRIFFIN & SZIPL, PC
SUITE PH-1
2300 NINTH STREET, SOUTH
ARLINGTON, VA 22204

POWER OF ATTORNEY NOTICE

OC000000051112105

Date Mailed: 11/29/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/15/2011.

- 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).

/gbien-aime/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HOLLAND & HART
222 SOUTH MAIN STREET SUITE 2200
PO BOX 11583
SALT LAKE CITY UT 84110

MAILED

DEC 19 2011

OFFICE OF PETITIONS

In re Patent No. 7,935,153 :
Issue Date: May 3, 2011 :
Application No. 12/293,319 : DECISION ON PETITION
Filed: March 15, 2007 :
Attorney Docket No. 76156.0163 :

This is a decision on the "REQUEST FOR CERTIFICATE OF CORRECTION PURSUANT TO 37 C.F.R. 1.323", filed November 30, 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);

(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;

---

[1] See 37 CFR 3.81.

(C) a statement that the assignment was submitted for recordation as set forth in 37 CFR 3.11 before issuance of the patent; and

(D) a request for a certificate of correction under 37 CFR 1.323 accompanied by the fee set forth in 37 CFR 1.20(a).[2]

Receipt of the $100 fee for the Certificate of Correction and the $130 processing fee for the instant petition 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

MAILED
NOV 07 2011
OFFICE OF PETITIONS

Barbara V. Maurer
500 Fireside Court
Dagsboro DE 19939

In re Application of :
Gordhanbhai N. PATEL : ON PETITION
Application No. 12/293,322 :
Filed: September 17, 2008 :
Atty. Docket No.: 002.013

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the final Office action mailed September 22, 2010 (Office action), which set a shortened statutory period for reply of three (3) months. A three-month extension of time under the provisions of 37 CFR 1.136(a) was obtained. The application became abandoned March 23, 2011. A Notice of Abandonment was mailed September 14, 2011.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of a Request for Continued Examination (RCE), and RCE fee, and submission under 37 CFR 1.114, (2) a petition fee of $930, and (3) a statement of unintentional delay. The reply to the Office action is accepted as having been unintentionally delayed.

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

The application will be referred to Technology Center Art Unit 2884 for consideration of the filed submission.

Robert DeWitty
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

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

MAILED

FEB 22 2011

PCT LEGAL ADMINISTRATION

In re Application of :
OISHI :
Application No.: 12/293,407 : DECISION ON PETITION
PCT No.: PCT/JP2007/056255 :
Int. Filing Date: 26 March 2007 : UNDER 37 CFR 1.181
Priority Date: 30 March 2006 :
Atty Docket No.: 046262-0167 :
For: SERVER DEVICE IN CONTENTS :
TRANSMITTING SYSTEM AND CONTENTS :
TRANSMITTING METHOD :

This decision is in response to applicant's second request for corrected filing receipt and notice of acceptance filed 08 December 2010 in the United States Patent and Trademark Office (USPTO). The request is being treated as a petition under 37 CFR 1.181 to assign a 35 U.S.C. 371 date of 30 December 2008. No petition fee is required.

On 11 May 2009, applicant was mailed a "Notification of Acceptance" (Form PCT/DO/EO/903) which identified the 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) and the date of completion of all 35 U.S.C. 371 requirements as 29 December 2008. Applicant was concurrently mailed a filing receipt which listed the "filing or 371 (c) date" as "12/29/2008." Applicant seeks a correction of these dates to read 30 December 2008.

Applicant has provided a legible copy of the receipt postcard which shows a USPTO date stamp, "OIPE IAP97 PATENT & TRADEMARK OFFICE DEC 30 2008" and clearly identifies in part: "Executed Declaration (3 pgs.)" and "English translation of Specification and Drawings w/Translator's Declaration (55 pgs.) as well as listing the inventor, application serial number, title of invention and attorney docket number. The evidence is sufficient to establish that the last of the 35 U.S.C. 371 requirements was received in the USPTO on 30 December 2008. As such, it is proper to **GRANT** applicant's petition at this time.

Applicant's petition under 37 CFR 1.181 is **GRANTED**.

The Form PCT/DO/EO/903 mailed 11 May 2009 is hereby **VACATED**.

The application has an international filing date of 26 March 2007 under 35 U.S.C. 363 and will be given a date of **30 December 2008** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/293,414	09/10/2009	Satya Kaliki	083900-002800US	1488

20350 7590 11/05/2010

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

EXAMINER	
MORGAN, ROBERT W	

ART UNIT	PAPER NUMBER
3626	

MAIL DATE	DELIVERY MODE
11/05/2010	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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NOV - 5 2010

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

In re Application of	:	
Kaliki et al.	:	RESPONSE TO PETITION
Application No. 12/293,414	:	TO EXPUNGE FILED
Filed: September 10, 2009	:	UNDER 37 CFR § 1.59(b)
For: DATA INPUT METHOD	:	

This is a response to the petition under 37 CFR § 1.59(b), filed August 17, 2010 to expunge information from the above identified application.

The petition is **DISMISSED**.

Petitioner requests "the removal of application papers titled "Supplemental Information Disclosure Statement Under 37 CFR § 1.97 and § 1.98" electronically filed with the US Patent and Trademark Office on August 13, 2010," specifically, the removal of the August 13, 2010 IDS Statement letter, a 2 page document electronically filed, and the cited foreign and non-patent literature references also electronically filed.

A proper petition to expunge information unintentionally submitted in an application (other than information forming part of the original disclosure) must contain:

(A) a statement that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted;
(B) a clear statement that the information to be expunged has not been otherwise made public;
(C) a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted;
(D) statement as to why the information to be expunged is not material information under 37 CFR 1.56; and
(E) the fee as set forth in 37 CFR 1.17(g) for a petition under 37 CFR 1.59(b).

The petition fails to meet requirements of (A), (B), (C) and (D).

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

R

UNITED 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.
12/293,469	09/18/2008	Tadafumi Yoshida	Q110041	1253

23373 7590 02/15/2011

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

EXAMINER
LANDEROS, IGNACIO EMMANUEL

ART UNIT	PAPER NUMBER
4166	

NOTIFICATION DATE	DELIVERY MODE
02/15/2011	ELECTRONIC

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

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

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

sughrue@sughrue.com
PPROCESSING@SUGHRUE.COM
USPTO@SUGHRUE.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

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

In re Application of	:	
YOSHIDA, TADAFUMI et al	:	DECISION ON REQUEST TO
Application No. 12/293,469	:	PARTICIPATE IN PATENT
Filed: Sep. 18, 2008	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. Q110041	:	PROGRAM AND PETITION
For: COOLER	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed Feb. 10, 2011, to make the above-identified application special.

The request and petition are granted.

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

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

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application. This application will be forwarded to an examiner for examination.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. All other inquiries concerning the examination or status of the application should be directed to Judy Swann, SPE of Art Unit 3785, and 571-272-7075 for Class 165/80 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Petition is **granted**.

/Henry C. Yuen/

_____

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

UNITED STATES PATENT AND TRADEMARK OFFICE

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

OCT 22 2010

PCT LEGAL ADMINISTRATION

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

In re Application of :
MCGOVERN, Karen, J., et al. :
U.S. Application No.: 12/293,524 :
PCT No.: PCT/US2006/010796 :
Int. Filing Date: 24 March 2006 :
Priority Date: None :
Attorney Docket No.: 578132000400 :
For: DOSING REGIMENS FOR THE :
TREATMENT OF CANCER :

DECISION ON RENEWED PETITION
(37 CFR 1.137(b))

This decision is issued in response to the "Renewed Petition Under 37 CFR 1.137(b)" filed 24 August 2010. Applicant has previously paid the required petition fee.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed 12 July 2010. The decision dismissed applicants' original petition for revival based on applicants' failure to provide the "required reply," that is, an acceptable response to the "Notification Of Missing Requirements" (Form PCT/DO/EO/905) mailed 28 September 2009. Specifically, the decision stated that the declaration filed by applicants appeared to be an unacceptable compilation of multiple documents.

On 24 August 2010, applicants filed the "Renewed Petition Under 37 CFR 1.137(b)" considered herein.

DISCUSSSION

The "Renewed Petition Under 37 CFR 1.137(b)" was accompanied by copies of the complete two-page declarations executed by the inventors herein. These declarations, in combination with applicants' previous payment of the surcharge for filing the declaration later than thirty months after the priority date, constitute a proper response to the "Notification Of Missing Requirements" (Form PCT/DO/EO/905) mailed 28 September 2009. Applicants have therefore now provided the "required reply," satisfying the final outstanding element of a grantable petition under 37 CFR 1.137(b).

CONCLUSION

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

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 24 August 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

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/293,530	09/18/2008	Daichi Imamura	733156.428USPC	2058

96896 7590 06/15/2011

Seed Intellectual Property Law Group PLLC
701 Fifth Avenue, Suite 5400
Seattle, WA 98104

EXAMINER	
ZAIDI, IQBAL	

ART UNIT	PAPER NUMBER
2464	

NOTIFICATION DATE	DELIVERY MODE
06/15/2011	ELECTRONIC

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

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

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

jeffs.docketing@seedip.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

Seed Intellectual Property Law Group PLLC
701 Fifth Avenue, Suite 5400
Seattle WA 98104

In re Application of: IMAMURA, DAICHI et al.
Application No. 12/293,530
Filed: September 18, 2008
For: RADIO COMMUNICATION MOBILE STATION APPARATUS AND RADIO COMMUNICATION METHOD

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

MAILED

JUN 15 2011

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed May 31, 2011, to make the above-identified application special.

The petition is **DISMISSED AS MOOT.**

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 do not meet the requirement set forth in item **(4)** above because examination of the application has already begun. A first Office action has already been issued on 6/14/2011.

Since examination of the application has already begun, the Petition is **DISMISSED AS MOOT.**

Telephone inquiries concerning this decision should be directed to Aaron Strange at 571-272-3959.

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

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

/Christopher Grant/

Christopher Grant
Quality Assurance Specialist
Technology Center 2400

UNITED STATES 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

MAILED

JUN 17 2011

OFFICE OF PETITIONS

In re Application of :
Gianluca Mannarino :
Application No. 12/293,604 : DECISION ON PETITION
Filed: September 19, 2008 : TO WITHDRAW
Attorney Docket No. 2529-1010 : 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 20, 2011.

The request is **APPROVED**.

The request was signed by Jeffrey R. Snay on behalf of the practitioners of record associated with Customer Number 00466.

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

All future correspondence will be directed to inventor Gianluca Mannarino 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: Gianluca Mannarino
Via Mar Ligure N. 2A 1-00040 Pomezia
Rome, Italy

UNITED 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
12/293,604	09/19/2008	Gianluca MANNARINO	2529-1010

CONFIRMATION NO. 2734

POWER OF ATTORNEY NOTICE

466
YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria, VA 22314

OC000000048266660

Date Mailed: 06/17/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/20/2011.

- 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.

/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
12/293,604	09/19/2008	Gianluca MANNARINO	2529-1010

CONFIRMATION NO. 2734

Gianluca Mannarino
Via Mar Ligure N. 2A 1-00040 Pomezia
Rome,
ITALY

POA ACCEPTANCE LETTER

Date Mailed: 06/17/2011

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/20/2011.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/idingle/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

AUG 22 2011

OFFICE OF PETITIONS

BANNER & WITCOFF, LTD
1100 13TH STREET, N.W.
SUITE 1200
WASHINGTON, DC 20005-4051

In re Application of
DAVID RYALL BROEN et al
Application No. 12/293,608
Filed: September 19, 2008
Attorney Docket No. 007723.00001

: DECISION ON REQUEST FOR REFUND

This is a decision on the petition filed on August 10, 2011, "Request For Reconsideration Of Refund" under 37 CFR § 1.181. The petition has been considered under 37 CFR 1.26.

The request is **DISMISSED**.

On April 18, 2011 the examiner in charge of this application mailed an office action. Petitioner responded on July 7, 2011, and included the required two (2) months extension of time fee of $490.00. On July 22, 2011 petitioner requested a refund on the basis that the original office action was never received. On July 29, 2011 the request for refund was denied by the Technology Center. On August 10, 2011, petitioner requested reconsideration of the refusal to grant refund.

When an applicant or patentee takes an action "by mistake" (e.g., files an application or maintains a patent in force "by mistake"), the submission of fees required to take that action (e.g., a filing fee submitted with an amendment to an application) is **not** a "fee paid by mistake" within the meaning of 35 U.S.C. § 41(d). See MPEP § 607.02.

Here petitioner's response dated July 7, 2011 demonstrates that in order to make the response timely, a two (2) month extension of time fee would be required for the Office Notice mailed April 18, 2011.

37 CFR § 1.126(a) also provides that a change of purpose after the payment of a fee, will not entitle the party to a refund of such fee. The facts here demonstrate a change of purpose by petitioner. The failure to timely file a 37 CFR 1.181 on the basis that no action was received cannot now be used as a basis for a refund.

Hence, a review of the record indicates that the fees were paid on July 7, 2011 and the petition was not received in the Office until July 22, 2011. Accordingly, the petition cannot be granted.

Any renewed petition may be addressed as follows:

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

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

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

Any questions concerning this matter may be directed to the undersigned at (571) 272-0602.

Thurman K. Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BAKER DONELSON BEARMAN, CALDWELL & BERKOWITZ, PC
920 MASSACHUSETTS AVE, NW
SUITE 900
WASHINGTON, DC 20001

MAILED

NOV 04 2011

OFFICE OF PETITIONS

APPLICANT: VÖLKENING, ET AL.
Appl. No.: 12/293,616
International Filing Date: March 9, 2007
Title: METHOD AND APPARATUS FOR OPTICALLY READING INFORMATION
Attorney Docket No.: 2903867-019000
Pub. No.: US 2011/0121073 A1
Pub. Date: May 26, 2011

This is a decision on the request for correction of patent application publication under 37 CFR 1.221(b), received on June 30, 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

MAILED

JAN 11 2012

OFFICE OF PETITIONS

SCHIFF HARDIN, LLP
PATENT DEPARTMENT
233 S. WACKER DRIVE, SUITE 6600
CHICAGO, IL 60606-6473

In re Application of
Ernst ENGST et al.
Application No.: 12/293,638
Filed: September 19, 2008
Attorney Docket No.: P08,0213 (26970-0479)
For: Method and Assembly for Releasing and Configuring Specific...

: 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) pilot program and the petition under 37 CFR 1.102(a), filed November 2, 2011, to make the above-identified application special.

The request and petition are **DENIED**.

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 DPMA, 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 DPMA, or
        ii. validly claims priority under 35 U.S.C 365 (b) to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority under 35 U.S.C 365 (b) to an application filed in the DPMA, or

ii. validly claims priority under 35 U.S.C 365 (b) to a PCT application that contains no priority claims, or
iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the DPMA application(s);
   b. An English translation of the allowable/patentable claim(s) if not in English and
   c. A statement that the English translation is accurate;
3. Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the DPMA application(s) and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. a copy: all office action(s) from of each of the DPMA application(s) containing the allowable/patentable claim(s)
   b. An English language translation of the DPMA Office action if not in English
   c. A statement that the English translation is accurate;
6. Applicant must submit:
   a. An IDS listing the documents cited by the DPMA examiner in the DPMA office action(s) (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 do not comply with the above requirement: (4). A non-final rejection has been entered for the instant case on November 28, 2011.

Telephone inquiries concerning this decision should be directed to Joanne Hama at 571-272-2911 or in her absence, David Bucci at 571-272-7099.

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.

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

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

MAILED

NOV 03 2011

OFFICE OF PETITIONS

Applicants: Greaves, et al.
Appl. No.: 12/293,684
International Filing Date: March 23, 2007
Title: FLUORESCENT ENTITY, DYEING COMPOSITION CONTAINING AT LEAST ONE FLUORESCENT ENTITY COMPRISING AT LEAST ONE HETEROCYCLE, WITH AT LEAST ONE INTERNAL CATIONIC CHARGE, AND METHOD FOR LIGHTENING KERATIN MATERIALS USING SAID AT LEAST ONE FLUORESCENT ENTITY
Attorney Docket: 05725.1741
Pub. No.: US 2011/0011417 A1
Pub. Date: January 20, 2011

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on March 18, 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

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.
12/293,685	09/19/2008	Michael David Southan	703648	3301

23460 7590 01/12/2011

LEYDIG VOIT & MAYER, LTD
TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STETSON AVENUE
CHICAGO, IL 60601-6731

EXAMINER	
DUBOIS, PHILIP A	

ART UNIT	PAPER NUMBER
1781	

NOTIFICATION DATE	DELIVERY MODE
01/12/2011	ELECTRONIC

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

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

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

Chgpatent@leydig.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BC

January 11, 2011

In re application of	:	DECISION ON REQUEST TO
Michael D. Southan et al.	:	PARTICIPATE IN PATENT
Serial No. 12/293,685	:	PROSECUTION HIGHWAY
Filed: September 19, 2008	:	PROGRAM AND
For: BIOPROCESSSING OF GRAINS	:	PETITION TO MAKE SPECIAL
	:	UNDER 37 CFR 1.102(a)

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

The request and petition are **DISMISSED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the IPAU;

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the IPAU application(s);

(3) All of the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the IPAU application(s); and

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of all of the Office actions from each of the IPAU application(s); and

(6) Applicant must submit:
   a. An IDS listing the documents cited by the IPAU examiner in the IPAU Office action(s) (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 is dismissed as moot according to the requirement item (4) above, since the examination of the U.S. application has begun and a Notice of Allowance was mailed on December 29, 2010.

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

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

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

Application No:	12/293,697	Filing date:	September 19, 2008
First Named Inventor:	Sadayuki Kobayashi		
Title of the Invention:	THERMOPLASTIC RESIN COMPOSITION, PRODUCTION METHOD THEREOF, AND MOLDED ...		

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

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

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

The corresponding PCT application number(s) is/are: PCT/JP2007/055825

The international date of the corresponding PCT application(s) is/are: March 22, 2007

I. List of Required Documents:

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

☑ Is attached.

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

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

☑ Is attached.

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

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

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

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

(continued)

Application No.:	12/293,697
First Named Inventor:	Sadayuki Kobayashi

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

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on September 19, 2010

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

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on September 19, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
See EXHIBIT A	See EXHIBIT A	See EXHIBIT A

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

Signature /TDC/	Date August 10, 2010
Name (Print/Typed) T. Daniel Chirstenbury	Registration Number 31,750

PATENT COOPERATION TREATY

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY
(CHAPTER I OR CHAPTER II
OF THE PATENT COOPERATION TREATY)
(PCT Rules 44*bis*.3(c) and 72.2)

08.11.13

To:

TORAY INDUSTRIES, INC.
1-1, Nihonbashi-Muromachi 2-chome
Chuo-ku, Tokyo 1038666
JAPON

Date of mailing *(day/month/year)* 30 October 2008 (30.10.2008)	
Applicant's or agent's file reference TP-06116-PCT	**IMPORTANT NOTIFICATION**
International application No. PCT/JP2007/055825	International filing date *(day/month/year)* 22 March 2007 (22.03.2007)
Applicant TORAY INDUSTRIES, INC. et al	

1. **Transmittal of the translation to the applicant.**

☑ The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).

☐ The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

2. **Transmittal of the copy of the translation to the designated or elected Offices.**

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

EP

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, AZ, BA, BB, BG, BH, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EG, ES, FI, GB, GD, GE, GH, GM, GT, HN, HR, HU, ID, IL, IN, IS, KE, KG, KM, KN, KP, KR, KZ, LA, LC, LK, LR, LS, LT, LU, LY, MA, MD, MG, MK, MN, MW, MX, MY, MZ, NA, NG, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RS, RU, SC, SD, SE, SG, SK, SL, SM, SV, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, ZA, ZM, ZW

3. **Reminder regarding translation into (one of) the official language(s) of the elected Office(s).**

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Facsimile No. +41 22 338 82 70

Authorized officer
Yoshiko Kuwahara

e-mail: pt07.pct@wipo.int

PATENT COOPERATION TREATY

PCT

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

(PCT Rule 44*bis*)

Applicant's or agent's file reference TP-06116-PCT	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/JP2007/055825	International filing date *(day/month/year)* 22 March 2007 (22.03.2007)	Priority date *(day/month/year)* 23 March 2006 (23.03.2006)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant TORAY INDUSTRIES, INC.		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 *bis*.1(a).

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

   In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

☒	Box No. I	Basis of the report
☐	Box No. II	Priority
☐	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
☐	Box No. IV	Lack of unity of invention
☒	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
☐	Box No. VI	Certain documents cited
☐	Box No. VII	Certain defects in the international application
☐	Box No. VIII	Certain observations on the international application

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44*bis*.3(c) and 93*bis*.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44*bis*.2).

	Date of issuance of this report 21 October 2008 (21.10.2008)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Yoshiko Kuwahara e-mail: pt07.pct@wipo.int

Form PCT/IB/373 (January 2004)

PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Applicant's or agent's file reference TP-06116-PCT	Date of mailing *(day/month/year)* FOR FURTHER ACTION See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2007/055825	22.03.2007	23.03.2006

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

Applicant
TORAY INDUSTRIES, INC.

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

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

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will 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 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

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

For further options, see Form PCT/ISA/220.

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

Name and mailing address of the ISA/JP	Date of completion of this opinion	Authorized officer
Facsimile No.		Telephone No.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2007/055825

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

☐ the translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rule 12.3(a) and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐ a sequence listing

☐ table(s) related to the sequence listing

b. format of material

☐ on paper

☐ in electronic form

c. time of filing/furnishing

☐ contained in the international application as filed

☐ filed together with the international application in electronic form

☐ furnished subsequently to this Authority for the purposes of search

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2007/055825

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

1. Statement

Novelty (N)	Claims	1-22	YES
	Claims		NO
Inventive step (IS)	Claims	1-22	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-22	YES
	Claims		NO

2. Citations and explanations:

<Claims 1-22>

The inventions set forth in claims 1-22 are not disclosed in any of the documents cited in the ISR; therefore, they exhibit novelty and involve an inventive step.

None of the documents discloses, in particular, a manufacturing method as a method for improving resin pressure in a kneading zone, such that an inverse screw zone is provided, and a thermoplastic resin and a resin having a reactive functional group are melted and kneaded under prescribed conditions, and a thermoplastic resin composition having a prescribed resin structure manufactured thereby.

<Prior art documents>

JP 2005-187809 A (Toray Industries, Inc.), 14 July 2005

JP 09-031325 A (Mitsubishi Engineering-Plastics Corp.), 04 February 1997

VERIFICATION OF TRANSLATION

I, Tadashi Kato of TORAY INTELLECTUAL PROPERTY CENTER, LTD. at 1-1, Sonoyama 1-chome, Otsu, Shiga 520-8558 Japan do solemnly and sincerely declare that the English text in the middle column of Exhibit A is a correct translation of the allowed claims of PCT/JP2007/055825, which are faithfully reproduced in the left column of Exhibit A, to the best of my knowledge.

Dated this 30 day of July, 2010

Tadashi Kato

Tadashi Kato
TORAY INTELLECTUAL PROPERTY CENTER, LTD.

EXHIBIT A

Claim No.	International Application No. PCT/JP2007/055825 in Japanese	International Application No. PCT/JP2007/055825 in English	Claim No.	US Application No. 12/293,697 after Preliminary Amendment
1	熱可塑性樹脂(A)および反応性官能基を有する樹脂(B)を含む熱可塑性樹脂組成物であって、透過型電子顕微鏡トモグラフィーにより観察された該樹脂組成物のモルフォロジーにおいて、(A)または(B)の一方の連続相、もう一方の分散相を形成し、かつ該分散相中に、前記連続相成分を含む三次元的な網目構造Csが形成され、かつ該分散相のうち、平均粒子径が1000nm以下の分散相Dpの断面における該網目構造Csの面積の割合が、10%以上であることを特徴とする熱可塑性樹脂組成物。	A thermoplastic resin composition comprising a thermoplastic resin (A) and a reactive functional group-containing resin (B), characterized in that in the morphology of said resin composition observed by transmission electron microscopy tomography, either the resin (A) or (B) forms a continuous phase, while the other resin forms a dispersed phase, that three-dimensionally connective structures Cs containing said continuous phase component are formed in the respective dispersed phase particles of said dispersed phase, and that the rate of the area of said connective structures Cs occupying the section of each dispersed phase particle Dp with an average particle size of 1,000 nm or less of said dispersed phase is 10% or more.	1	A thermoplastic resin composition comprising a thermo-plastic resin (A) and a reactive functional group-containing resin (B), wherein the morphology of said resin composition observed by transmission electron microscopy tomography is such that either the resin (A) or the resin (B) forms a continuous phase, while the other resin forms a dispersed phase, three-dimensionally connective structures Cs containing said continuous phase component are formed in the respective dispersed phase particles of said dispersed phase, and a rate of the area of said connective structures Cs occupying a section of each dispersed phase particle Dp with an average particle size of 1,000 nm or less of said dispersed phase is 10% or more.
2	前記熱可塑性樹脂(A)が、ポリアミド樹脂、ポリエステル樹脂、ポリフェニレンスルフィド樹脂、ポリアセタール樹脂、スチレン系樹脂、ポリフェニレンオキシド樹脂およびポリカーボネート樹脂から選ばれる少なくとも1種であることを特徴とする請求項1に記載の熱可塑性樹脂組成物。	A thermoplastic resin composition, according to claim 1, wherein said thermoplastic resin (A)is at least one selected from polyamide resins, polyester resins, polyphenylene sulfide resins, polyacetal resins, styrene-based resins, polyphenylene oxide resins and	2	The thermoplastic resin composition according to claim 1, wherein said thermoplastic resin (A) is at least one selected from the group consisting of polyamide resins, polyester resins, polyphenylene sulfide resins, polyacetal resins, styrene-based resins,

Claim No.	International Application No. PCT/JP2007/055825 in Japanese	International Application No. PCT/JP2007/055825 in English	Claim No.	US Application No. 12/293,697 after Preliminary Amendment
		polycarbonate resins.		polyphenylene oxide resins and polycarbonate resins.
3	[illegible]	A thermoplastic resin composition, according to claim 1, wherein said thermoplastic resin (A) is a polyamide resin.	3	The thermoplastic resin composition according to claim 1, wherein said thermoplastic resin (A) is a polyamide resin.
4	[illegible]	A thermoplastic resin composition comprising a polyamide resin (A1) and a reactive functional group-containing resin (B), wherein in the relaxation time T1C of each carbon nucleus by solid NMR measurement, the longer relaxation time T1C1 among the two relaxation times in the two-component analysis of the relaxation time corresponding to the carbon of each carbonyl group of the polyamide resin (A1) is 65 seconds or less, while the longer relaxation time T1C2 among the two relaxation times in the two-component analysis of the relaxation time corresponding to the carbon of the hydrocarbon group adjacent to each NH group of the polyamide resin (A1) is 15 seconds or less.	4	A thermoplastic resin composition comprising a polyamide resin (A1) and a reactive functional group-containing resin (B), wherein in relaxation time T1C of each carbon nucleus by solid NMR measurement, a longer relaxation time T1C1 among two relaxation times in a two-component analysis of the relaxation time corresponding to the carbon of each carbonyl group of the polyamide resin (A1) is 65 seconds or less, while a longer relaxation time T1C2 among the two relaxation times in the two-component analysis of the relaxation time corresponding to the carbon of the hydrocarbon group adjacent to each NH group of the polyamide resin (A1) is 15 seconds or less.
5	[illegible]	A thermoplastic resin composition, according to claim 4, wherein the polyamide resin (A1) is polyamide 6.	5	The thermoplastic resin composition according to claim 4, wherein the polyamide resin (A1) is polyamide 6.
6	[illegible]	A thermoplastic resin composition,	6	The thermoplastic resin composition

Claim No.	International Application No. PCT/JP2007/055825 in Japanese	International Application No. PCT/JP2007/055825 in English	Claim No.	US Application No. 12/293,697 after Preliminary Amendment
		according to any one of claims 1 through 5, wherein the reactive functional group-containing resin (B) is a rubbery polymer.		according to claim 1, wherein the reactive functional group-containing resin (B) is a rubbery polymer.
7	[illegible]	A thermoplastic resin composition, according to any one of claims 1 through 6, wherein the reactive functional groups of the reactive functional group-containing resin (B) are at least one type selected from amino groups, carboxyl groups, carboxyl metal salt, epoxy groups, acid anhydride groups and oxazoline groups.	7	The thermoplastic resin composition according to claim 1, wherein the reactive functional groups of the reactive functional group-containing resin (B) are at least one type selected from the group consisting of amino groups, carboxyl groups, carboxyl metal salt, epoxy groups, acid anhydride groups and oxazoline groups.
8	[illegible]	A thermoplastic resin composition, according to any one of claims 1 through 7, wherein in the case where JIS 5A dumbbell specimens (75 mm long, 12.5 mm wide at ends, and 2 mm thick) produced by injection-molding the resin composition are tensile-tested, the molded specimens have a property of E(V1) > E(V2), if V1 < V2, where E(V1) and E(V2) are tensile elastic modulus values at stress rates of V1 and V2.	8	The thermoplastic resin composition according to claim 1, wherein in the case where JIS 5A dumbbell specimens (75 mm long, 12.5 mm wide at ends, and 2 mm thick) produced by injection-molding the resin composition are tensile-tested, the molded specimens have a property of E(V1) > E(V2), if V1 < V2, where E(V1) and E(V2) are tensile elastic modulus values at stress rates of V1 and V2.
9	[illegible]	A thermoplastic resin composition, according to claim 8, wherein when the molded specimens are tensile-tested, the molded specimens satisfy ε(V1) <	9	The thermoplastic resin composition according to claim 8, wherein when the molded specimens are tensile-tested, the molded specimens satisfy ε(V1) <

Claim No.	International Application No. PCT/JP2007/055825 in Japanese	International Application No. PCT/JP2007/055825 in English	Claim No.	US Application No. 12/293,697 after Preliminary Amendment
		ε(V2), if V1 < V2, wherein ε(V1) and ε(V2) are tensile fracture elongation values at stress rates of V1 and V2.		ε(V2), if V1 < V2, wherein ε(V1) and ε(V2) are tensile fracture elongation values at stress rates of V1 and V2.
10	樹脂組成物から射出成形により、JIS－1号短冊型試験片（幅10mm×長さ80mm×厚さ4mm）の成形品を作製し、その成形品の0.45MPaにおける荷重たわみ温度が50℃以上で、かつ最外直径50mm、厚さ2mm、高さ150mmの円筒状成形品において、質量193kgの鋼体を落下高さ0.5mから自由落下させた際、鋼体にかかる最大点荷重が20キロニュートン未満であり、5cm以上の亀裂が発生しないことを特徴とする請求項1～9のいずれか1項記載の熱可塑性樹脂組成物。	A thermoplastic resin composition, according to any one of claims 1 through 9, wherein JIS No. 1 strip specimens (10 mm wide, 80 mm long and 4 mm thick) produced by injection-molding the resin composition have a deflection temperature under load of 50°C or higher at 0.45 MPa; and when a cone with a mass of 193 kg is allowed to freely fall from a drop height of 0.5 m onto a cylinder with an outermost diameter of 50 mm, a wall thickness of 2 mm and a height of 150 mm obtained by molding the resin composition, the maximum point load acting on the cone is less than 20 kilonewtons, while cracks of 5 cm or more do not occur in the cylinder.	10	The thermoplastic resin composition according to claim 1, wherein JIS No. 1 strip specimens (10 mm wide, 80 mm long and 4 mm thick) produced by injection-molding the resin composition have a deflection temperature under load of 50°C or higher at 0.45 MPa; and when a cone with a mass of 193 kg is allowed to freely fall from a drop height of 0.5 m onto a cylinder with an outermost diameter of 50 mm, a wall thickness of 2 mm and a height of 150 mm obtained by molding the resin composition, the maximum point load acting on the cone is less than 20 kilonewtons, while cracks of 5 cm or more do not occur in the cylinder.
11	熱可塑性樹脂(A)および反応性官能基を有する樹脂(B)を、スクリュー長さL上スクリュー直径D0の比L/D0が50以上である二軸押出機により溶融混練する際に、前記二軸押出機のスクリューが複数箇所のフルフライトゾーンおよびニーディングゾーンを有し、スクリュー中のニーディングゾーンの樹脂圧力のうち最大の樹脂圧力をPkmax(MPa)、スクリュー中のフルフライトゾーンの樹脂圧力のうち最小の樹脂圧力をPfmin(MPa)としたときにPkmax≧Pfmin－0.3となる条件で樹脂混練することを特徴とする請求項1に記載の熱可塑性樹脂組成物の製造方法。	A method for producing the thermoplastic resin composition as set forth in claim 1, in which the thermoplastic resin (A) and the reactive functional group-containing resin (B) are melt-kneaded by a twin-screw extruder of 50 or more in the ratio L/D0 of screw length L to screw diameter D0, wherein the screws of	11	A method for producing the thermoplastic resin composition as set forth in claim 1, in which the thermoplastic resin (A) and the reactive functional group-contain-ing resin (B) are melt-kneaded by a twin-screw extruder of 50 or more in the ratio L/D0 of screw length L to screw diameter D0, wherein the screws of

Claim No.	International Application No. PCT/JP2007/055825 in Japanese	International Application No. PCT/JP2007/055825 in English	Claim No.	US Application No. 12/293,697 after Preliminary Amendment
		said twin-screw extruder have full flight zones and kneading zones at multiple places; and the melt kneading is performed at a condition of Pkmax ≥ Pfmin + 0.3, where Pkmax (MPa) is the maximum resin pressure among the resin pressures in the kneading zones of the screws, and Pfmin (MPa) is the minimum resin pressure among the resin pressures in the full flight zones of the screws.		said twin-screw extruder have full flight zones and kneading zones at multiple places; and the melt kneading is performed at a condition of Pkmax ≥ Pfmin + 0.3, where Pkmax (MPa) is the maximum resin pressure among the resin pressures in the kneading zones of the screws, and Pfmin (MPa) is the minimum resin pressure among the resin pressures in the full flight zones of the screws.
12	[illegible]	A method for producing the thermoplastic resin composition, according to claim 11, wherein the melt kneading is performed under such conditions that the dwell time of the raw materials in said twin-screw extruder from their supply to extrusion is 1 minute to 30 minutes and that the extrusion rate per 1 rpm of the screws is 0.01 kg/h or more.	12	The method for producing the thermoplastic resin composition according to claim 11, wherein the melt kneading is performed under such conditions that the dwell time of the raw materials in said twin-screw extruder from their supply to extrusion is 1 minute to 30 minutes and that the extrusion rate per 1 rpm of the screws is 0.01 kg/h or more.
13	[illegible]	A method for producing the thermoplastic resin composition, according to claim 11 or 12, wherein the screws of said twin-screw extruder are completely intermeshing screws rotating in the same direction.	13	The method for producing the thermoplastic resin composition, according to claim 11, wherein the screws of said twin-screw extruder are completely intermeshing screws rotating in the same direction.
14	[illegible]	A method for producing the thermoplastic resin composition, according to any one of claims 11	14	The method for producing the thermoplastic resin composition according to claim 11, wherein the total

Claim No.	International Application No. PCT/JP2007/055825 in Japanese	International Application No. PCT/JP2007/055825 in English	Claim No.	US Application No. 12/293,697 after Preliminary Amendment
		through 13, wherein the total length of said kneading zones is equal to 5 to 50% of said screw length.		length of said kneading zones is equal to 5 to 50% of said screw length.
15	前記ニーディングゾーンのそれぞれの長さLkが、Lk／D0＝0.2～10である請求項11～14のいずれかに記載の熱可塑性樹脂組成物の製造方法。	A method for producing the thermoplastic resin composition, according to any one of claims 11 through 14, wherein the respective lengths Lk of said kneading zones satisfy Lk/D0 = 0.2 to 10.	15	The method for producing the thermoplastic resin composition according to claim 11, wherein the respective lengths Lk of said kneading zones satisfy Lk/D0 = 0.2 to 10.
16	前記二軸押出機にベント減圧ゾーンを設け、ベント減圧ゾーンにおいてゲージ圧力－0.07MPa以下の圧力で減圧して溶融混練して製造することを特徴とする請求項11～15のいずれかに記載の熱可塑性樹脂組成物の製造方法。	A method for producing the thermoplastic resin composition, according to any one of claims 11 through 15, wherein said twin-screw extruder has a vent vacuum zone; and the pressure in the vent vacuum zone is reduced to a gauge pressure of -0.07 MPa or less, when melt kneading is performed for production.	16	The method for producing the thermoplastic resin composition according to claim 11, wherein said twin-screw extruder has a vent vacuum zone; and the pressure in the vent vacuum zone is reduced to a gauge pressure of -0.07 MPa or less, when melt kneading is performed.
17	水分率5000ppm未満の原料を使用して溶融混練して製造することを特徴とする請求項11～16のいずれかに記載の熱可塑性樹脂組成物の製造方法。	A method for producing the thermoplastic resin composition, according to any one of claims 11 through 16, wherein raw materials with a water content of less than 5,000 ppm are used, when melt-kneading is performed for production.	17	The method for producing the thermoplastic resin composition according to claim 11, wherein raw materials with a water content of less than 5,000 ppm are used when melt-kneading is performed.
18	最高樹脂温度を180℃～330℃に制御して溶融混練して製造することを特徴とする請求項11～17のいずれかに記載の熱可塑性樹脂組成物の製造方法。	A method for producing the thermoplastic resin composition, according to any one of claims 11 through 17, wherein the highest resin temperature is controlled at 180°C to	18	The method for producing the thermoplastic resin composition according to claim 11, wherein the highest resin temperature is controlled at 180°C to 330°C when melt kneading

Claim No.	International Application No. PCT/JP2007/055825 in Japanese	International Application No. PCT/JP2007/055825 in English	Claim No.	US Application No. 12/293,697 after Preliminary Amendment
		330°C, when melt kneading is performed for production.		is performed.
19	[illegible]	A molded article produced by molding the thermoplastic resin composition as set forth in any one of claims 1 through 10 or the thermoplastic resin composition obtained by the production method as set forth in any one of claims 11 through 18.	19	A molded article produced by molding the thermoplastic resin composition as set forth in claim 1.
20	[illegible]	A molded article, according to claim 19, wherein the molded article is at least one selected from films, sheets and fibers.	20	(Cancelled)
21	[illegible]	A molded article, according to claim 19 or 20, wherein the molded article is at least one selected from automobile parts, architectural materials, sporting goods and electric and electronic parts.	21	(Cancelled)
22	[illegible]	A molded article, according to any one of claims 19 through 21, wherein the molded article is an impact absorbing member.	22	(Cancelled)
			23	A molded article produced by molding the thermoplastic resin composition obtained by the production method as set forth in claim 11. ***(Contains the alternative subject matter removed from Claim 19.)***
			24	The molded article according to claim 19, wherein the molded article is at

Claim No.	International Application No. PCT/JP2007/055825 in Japanese	International Application No. PCT/JP2007/055825 in English	Claim No.	US Application No. 12/293,697 after Preliminary Amendment
				least one selected from the group consisting of films, sheets and fibers. ***(Contains the subject matter of cancelled Claim 20.)***
			25	The molded article according to claim 19, wherein the molded article is at least one selected from the group consisting of automobile parts, architectural materials, sporting goods and electric and electronic parts. ***(Contains the subject matter of cancelled Claim 21.)***
			26	The molded article according to claim 19, wherein the molded article is an impact absorbing member. ***(Contains the subject matter of cancelled Claim 22.)***

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/293,697	10/27/2008	Sadayuki Kobayashi	TIP-08-1314	3368

35811 7590 10/12/2010

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PHILADELPHIA, PA 19103

EXAMINER	
WOODWARD, ANA LUCRECIA	
ART UNIT	**PAPER NUMBER**
1765	

NOTIFICATION DATE	DELIVERY MODE
10/12/2010	ELECTRONIC

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

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

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

pto.phil@dlapiper.com

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OCT 12 2010

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BC

In re application of	:	DECISION ON REQUEST TO
Sadayuki Kobayashi et al.	:	PARTICIPATE IN PATENT
Serial No. 12/293,697	:	PROSECUTION HIGHWAY
Filed: September 19, 2008	:	PROGRAM AND
For: THERMOPLASTIC RESIN	:	PETITION TO MAKE SPECIAL
COMPOSITION, PRODUCTION METHOD	:	UNDER 37 CFR 1.102(a)
THEREOF, AND MOLDED ARTICLE	:	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a) to make the above-identified application special filed August 10, 2010.

The request and petition are **DENIED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, 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 independent 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;

Application No. 12/293,697

(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 (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy; and
b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable;

(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); and

The request to participate in the PPH program and petition fail because:
(4) Action on this US application has begun. Specifically, a non-final Office action on the merits was mailed on September 27, 2010.

Any inquiry regarding this decision should be directed to Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

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

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : **11/17/11**

TO SPE OF : ART UNIT: **1765 Attn: SEIDLECK JAMES J (SPE)**

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/293697 Patent No.: 7960473

CofC mailroom date: 11/08/2011

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Note: Please check the Specifications for Table 7 **Tasneem Siddiqui**
Should the requested changes be made or not **Certificates of Correction Branch**

703-756-1814 & 703-756-1593

Thank You For Your Assistance

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

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

Comments: _____

[signature] 1765

SPE Art Unit

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

PTO/SB/420 (05-10)
Approved for use through 05/31/2010. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 2832-0568PUS1	Application Number (if known): 12/293,749	Filing date: September 19, 2008
First Named Inventor: Youngjoo EO		
Title: PHOTOVOLTAIC DEVICE THROUGH LATERAL CRYSTALLIZATION PROCESS AND FABRICATION METHOD THEREOF		

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

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

1. By filing this petition:

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

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

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

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

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

6. Other attachments: Preliminary Amendment

Signature	Date AUG - 2 2010
Name (Print/Typed) Esther H. Chong	Registration Number 40953

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.

Docket No.: 2832-0568PUS1
(Patent)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application of:	Youngjoo EO et al.		
Application No.:	12/293,749	Confirmation No.:	3750
Filed:	September 19, 2008	Art Unit:	1795
For:	PHOTOVOLTAIC DEVICE THROUGH LATERAL CRYSTALLIZATION PROCESS AND FABRICATION METHOD THEREOF	Examiner:	Not Yet Assigned

STATEMENT OF SPECIAL STATUS FOR THE ELIGIBILITY REQUIREMENT UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

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

Sir:

In support of the Petition to Make Special Under the Green Technology Pilot Program, it is respectfully submitted that the basis for the requested special status is that the invention claimed in the above-identified patent application materially contributes to the development of renewable energy sources and/or green house gas emission reduction. Specifically, the claimed invention relates to a photovoltaic device having solar cells.

Additionally, by filing this petition, the applicant agrees to make an election without traverse in a telephone interview and elect an invention that meets the eligibility requirements set for 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.

It is also submitted that this application meets the eligibility requirements to participate in the Green Technology Pilot Program, as listed in the attached Petition to Make Special Under the Green Technology Pilot Program.

Accordingly, it is respectfully requested that the Petition be granted.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Seth S. Kim, Reg. No. 54,577, at the telephone number of the undersigned below to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

Dated: AUG - 2 2010

Respectfully submitted,

By _____
Esther H. Chong
Registration No.: 40953
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road, Suite 100 East
P.O. Box 747
Falls Church, VA 22040-0747
703-205-8000

Attachment

UNITED 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.
12/293,749	09/19/2008	Young-Joo Eo	2832-0568PUS1	3750

2292 7590 08/17/2010
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER	
AYAD, TAMIR	

ART UNIT	PAPER NUMBER
1795	

NOTIFICATION DATE	DELIVERY MODE
08/17/2010	ELECTRONIC

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

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

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

mailroom@bskb.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

AUG 17 2010

In re Application of	:	
Young-Joo Eo et al.	:	DECISION ON PETITION
Application No. 12/293,749	:	TO MAKE SPECIAL UNDER
Filed: September 19, 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. 2832-0568PUS1	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed August 02, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **GRANTED**.

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

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

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

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

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

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

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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GREENBERG TRAURIG LLP (LA)
C/O: GREENBERG TRAURIG LLP CHICAGO OFFICE
77 WEST WACKER DRIVE, SUITE 3100
INTELLECTUAL PROPERTY DEPARTMENT
CHICAGO IL 60601

MAILED
MAR 16 2011
OFFICE OF PETITIONS

In re Application of	:	
Wong et al.	:	DECISION ON PETITION
Application No. 12/293,793	:	TO WITHDRAW
Filed: November 18 2010	:	FROM RECORD
Attorney Docket No. 075621-020101	:	

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 86451 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.

Currently, there is no outstanding Office action that requires a reply.

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

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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CUSTOMER NO. 70416
PERKINS COIE LLP
PATENT – LA
P.O. BOX 1208
SEATTLE WA 98111 - 1208

MAILED

DEC 30 2010

OFFICE OF PETITIONS

In re Application of :
Seok Koo CHO :
Application No. 12/293,819 : DECISION ON PETITION
Filed: September 22, 2008 : TO WITHDRAW
Attorney Docket No. 460445.000021 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 1, 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 correspondence address provided for future communications from the Office is not proper since it is not that of a new practitioner or law firm who has filed a proper power of attorney nor is it an assignee who has been properly made of record under 37 C.F.R 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.

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

United States Patent and Trademark Office

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FEB 07 2011

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TREGO, HINES & LADENHEIM, PLLC
9300 HARRIS CORNERS PARKWAY
SUITE 210
CHARLOTTE NC 28269-3797

In re Application of
Dupont et al.
Application No.: 12/293,836
PCT No.: PCT/FR2007/000532
Int. Filing Date: 28 March 2007
Priority Date: 28 March 2006
Attorney Docket No.: 1054/11US
For: Orbital Carrier Comprising At Lest Two Components In The Form Of Segments Of A Circle Able To Be Connected...

DECISION

This is in response to the papers filed on 22 September 2008.

BACKGROUND

International application PCT/FR2007/000532 was filed on 28 March 2007, claimed an earliest priority date of 28 March 2006, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 04 October 2007. The 30 month time period for paying the basic national fee in the United States expired at midnight on 28 September 2008. Applicants filed *inter alia* the basic national fee in 12/293,836 on 22 September 2008.

On 20 May 2010, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b).

On 17 November 2010, applicants filed a response, including a petition.

On 23 November 2010, a Filing Receipt and a Notice of Acceptance (Form PCT/DO/EO/903) were mailed to applicants.

DISCUSSION

As a preliminary matter, the Filing Receipt and a Notice of Acceptance mailed on 23 November 2010 were issued prematurely. Therefore, both are hereby **VACATED**.

Review of the instant application file reveals that the Transmittal Letter (Form PTO-1390) filed on 22 September 2008 was directed toward the national stage under 35 U.S.C. 371 of "PCT/FR2006/000532,"while the Electronic Acknowledgment Receipt dated 22 September 2008 shows that applicants indicated "PCT/FR07/00532" was the subject of the submission. The Application Data Sheet also refers to "PCT/FR2007/000532," and the bibliographic information for this case resembles that for PCT/FR2007/000532. In view of the discrepancy, it is not sufficiently clear which international application was intended to enter the national stage. Resolution of this matter would require a formal petition (and fee) under 37 CFR 1.182,

clarifying which international application was intended to enter the national stage under 35 U.S.C. 371.

Pending resolution of the matter described above, treatment on the merits of the petition under 37 CFR 1.47 is being held in abeyance.

DECISION

The papers filed on 22 September 2008 are **NOT ACCEPTED** under 35 U.S.C. 371, without prejudice, as described above.

A proper response (as described herein) must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any such response should be entitled "Petition Under 37 CFR 1.182." Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

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

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

United States Patent and Trademark Office

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United States Patent and Trademark Office
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JUN 09 2011

PCT LEGAL ADMINISTRATION

TREGO, HINES & LADENHEIM, PLLC
9300 HARRIS CORNERS PARKWAY
SUITE 210
CHARLOTTE NC 28269-3797

In re Application of
Dupont et al.
Application No.: 12/293,836
PCT No.: PCT/FR2007/000532
Int. Filing Date: 28 March 2007
Priority Date: 28 March 2006
Attorney Docket No.: 1054/11US
For: Orbital Carrier Comprising At Lest Two Components In The Form Of Segments Of A Circle Able To Be Connected...

DECISION

This is in response to the petition under 37 CFR 1.182 filed on 06 April 2011 and the petition under 37 CFR 1.47(b) filed on 17 November 2010.

DISCUSSION

Petition Under 37 CFR 1.182

In a Decision mailed on 07 February 2011, applicants were advised that

> Review of the instant application file reveals that the Transmittal Letter (Form PTO-1390) filed on 22 September 2008 was directed toward the national stage under 35 U.S.C. 371 of "PCT/FR2006/000532,"while the Electronic Acknowledgment Receipt dated 22 September 2008 shows that applicants indicated "PCT/FR07/00532" was the subject of the submission. The Application Data Sheet also refers to "PCT/FR2007/000532," and the bibliographic information for this case resembles that for PCT/FR2007/000532. In view of the discrepancy, it is not sufficiently clear which international application was intended to enter the national stage. Resolution of this matter would require a formal petition (and fee) under 37 CFR 1.182, clarifying which international application was intended to enter the national stage under 35 U.S.C. 371.

In response, applicants have filed such a petition, which indicates that PCT/FR2007/000532 was intended to enter the national stage under 35 U.S.C. 371, and that the reference to PCT/FR2006/000532 reflects "an inadvertent typographical error." In view of the totality of the evidence of record, it would be appropriate to accept petitioner's statements as to the identity of the international application and the nature of the discrepancy. This application will be processed as the national stage under 35 U.S.C. 371 of PCT/FR2007/000532.

Petition Under 37 CFR 1.47

Applicants request relief under 37 CFR 1.47(b) but, since at least one inventor has executed the application, treatment under 37 CFR 1.47(a) is appropriate. *See* MPEP 409.03(b).

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

Regarding **requirement (1)**, petitioner has paid $130.00 toward the $200.00 petition fee. The $70.00 balance is being charged to counsel's Deposit Account no. 50-4137, as authorized in the petition.

Regarding **requirement (2)**, the petition is accompanied by an Affidavit signed by Guillaume Graindor who indicates that he sent a letter to Mr. Dupont on 02 December 2010, and that Mr. Dupont replied via email in 05 January 2009. Review of the translated letter dated 02 December 2008, as well as the Affidavit itself, reveals that it is not sufficiently clear whether Mr. Dupont was presented with a complete copy of the instant application prior to the alleged refusal. Though the Affidavit characterizes said letter as requesting execution of an attached declaration, the letter itself refers only to "documents." With regard to Mr. Dupont's translated email dated 05 January 2009, said message merely appears to reflect a willingness to assign rights to Serimax in exchange for payment; this is distinct from a statement as to whether he is willing to execute the application (even without assigning it).

Regarding **requirement (3)**, the petition indicates a last known address for the non-signing inventor.

Regarding **requirement (4)**, petitioner has presented a declaration signed on behalf of Thierry DUPONT by Guillaume Graindor, in the capacity of "Technology and New Application Manager" of a putative 37 CFR 1.47(b) applicant. However, since the petition properly should have been brought under 37 CFR 1.47(a), this signature is improper.

DECISION

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

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

A proper response (as described herein) must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any such response should be entitled "Renewed Petition Under 37 CFR 1.47(a)." Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

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

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

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PCT LEGAL ADMINISTRATION

TREGO, HINES & LADENHEIM, PLLC
9300 HARRIS CORNERS PARKWAY
SUITE 210
CHARLOTTE NC 28269-3797

In re Application of :
Dupont et al. :
Application No.: 12/293,836 :
PCT No.: PCT/FR2007/000532 :
Int. Filing Date: 28 March 2007 : DECISION
Priority Date: 28 March 2006 :
Attorney Docket No.: 1054/11US :
For: Orbital Carrier Comprising At Lest Two :
Components In The Form Of Segments :
Of A Circle Able To Be Connected... :

This is in response to the renewed petition under 37 CFR 1.47(a) filed on 03 August 2011.

DISCUSSION

In a Decision mailed on 09 June 2011, the petition filed on 17 November 2010 was treated under 37 CFR 1.47(a) and dismissed, without prejudice, because requirements (2) and (4) had not been satisfied.

In response, petitioner has presented a declaration signed by Thierry Dupont. The declaration is acceptable for purposes of compliance with 37 CFR 1.497(a) and (b). Accordingly, the petition under 37 CFR 1.47(a) has been rendered moot.

DECISION

The petition under 37 CFR 1.47(a) is **DISMISSED AS MOOT**, without prejudice.

This application is being returned to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **03 August 2011**.

/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
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JOSEPH S. HEINO, ESQ.
DAVIS & KUELTHAU, S.C.
111 E. KILBOURN
SUITE 1400
MILWAUKEE, WI 53202-6613

MAILED
OCT 08 2010
PCT LEGAL ADMINISTRATION

In re Application of JOURDAN :
U.S. Application No.: 12/293,888 :
PCT Application No.: PCT/US2006/011066 : DECISION
Int. Filing Date: 24 March 2006 :
Priority Date Claimed: none :
Attorney Docket No.: 18924.54196 :
For: ROTATING BLADE GUIDE ASSEMBLY :

This is in response to applicant's petition filed 30 June 2010, which is being treated under 37 CFR 1.181. No petition fee is required. Any submitted petition fee will be refunded to Deposit Account No. 50-2331 in due course.

BACKGROUND

On 24 March 2006, applicant filed international application PCT/US2006/011066. The thirty-month period for paying the basic national fee in the United States expired on 24 September 2008.

On 22 September 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 11 June 2009, 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 oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 10 June 2010, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909), which indicated that the applicant is abandoned for failure to timely respond to the Notification of Missing Requirements.

On 30 June 2010, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

A review of international application PCT/US2006/011066 reveals that a proper declaration under PCT Rule 4.17(iv) was filed on the international filing date. Therefore, the requirements of 37 CFR 1.497(a) were satisfied, and the Notification of Missing Requirements was sent in error.

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 11 June 2009 is hereby VACATED.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 10 June 2010 is hereby VACATED.

The application has an International Filing Date under 35 U.S.C. 363 of 24 March 2006, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 22 September 2008.

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20101118

DATE : November 18, 2010

TO SPE OF : ART UNIT 1761

SUBJECT : Request for Certificate of Correction on Patent No.: 7,780,743

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

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 305-8309

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

Thank You For Your Assistance **Certificates of Correction Branch**

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

Note your decision on the appropriated box.

☒ **Approved** All changes apply.

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

☐ **Denied** State the reasons for denial below.

Comments:

/Harold Y Pyon/
Supervisory Patent Examiner, Art Unit 1761

UNITED STATES PATENT AND TRADEMARK OFFICE

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JAE Y. PARK
KILE, PARK, GOEKJIAN, REED & MCMANUS, PLLC
1200 NEW HAMPSHIRE AVE. NW, SUITE 570
WASHINGTON DC 20036

MAILED

NOV 03 2010

OFFICE OF PETITIONS

In re Application of	:	
Yeo et al.	:	
Application No. 12/293,960	:	DECISION ON PETITION
Filed: September 22, 2008	:	
Attorney Docket No. YOM-0535-ET	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 29, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely submit Corrected Drawings on or before September 7, 2010, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed June 4, 2010. Accordingly, the date of abandonment of this application is Setpember 8, 2010. A Notice of Abandonment was mailed September 21, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) Corrected Drawings, (2) the petition fee of $1,620.00; and (3) a proper statement of unintentional delay.

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

This application is being referred to Publishing Division for processing into a patent and review of the Corrected Drawings submitted with the instant petition.

Joan Olszewski
Petitions Examiner
Office of Petitions

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

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

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

Application No:	12/294,031	Filing date:	January 16, 2009
First Named Inventor:	Schallmeiner, Edith		
Title of the Invention:	METHOD FOR ANALYTE DETECTION USING PROXIMITY PROBES		

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

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

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

The corresponding PCT application number(s) is/are: PCT/GB2007/000984

The international filing date of the corresponding PCT application(s) is/are: March 20, 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.**

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

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

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

(continued)

Application No.:	12/294,031
First Named Inventor:	Schallmeiner, Edith

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

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on _____

(2) 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 _____

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-8 and 10-29	1-8 and 10-29	Claim 1 is amended and Claim 9 is canceled by Preliminary Amendment submitted herewith.

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

Signature /Raymond D. Smith/	Date November 16, 2011
Name (Print/Typed) Raymond D. Smith	Registration Number 55,634

Privacy Act Statement

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DYKAS, SHAVER & NIPPER, LLP
P.O. BOX 877
BOISE ID 83701-0877

MAILED
OCT 07 2010
OFFICE OF PETITIONS

In re Application: :
Mercer et al. :
Application No. 12/294,078 : ON PETITION
Filed: June 15, 2009 :
Attorney Docket No. PETR105NUS :

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

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

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

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

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

00110
DANN, DORFMAN, HERRELL & SKILLMAN
1601 Market Street, Suite 2400
Philadelphia, PA 19103-2307

MAILED

DEC 07 2010

PCT LEGAL ADMINISTRATION

In re Application of
MARTIN *et al*
U.S. Application No.: 12/294,175
PCT No.: PCT/EP07/53129
Int. Filing Date: 30 March 2007
Priority Date: 31 March 2006
Attorney Docket No.: 4408-P04706US00
For: 4,5-DIHYDROMACBECIN DERIVATIVES AND THEIR USE IN THE TREATMENT OF CANCER OR B-CELL MALIGNANCIES

DECISION

This decision is in response to the petition under 37 CFR 1.182 filed 02 December 2010.

BACKGROUND

On 23 September 2008, applicants filed papers using the USPTO EFS-Web system as the national stage of PCT/US07/53129. All other papers filed on the initial filing listed the international application as show that the application is the national stage of PCT/EP07/53129.

On 22 November 2010, a communication was mailed requesting clarification on the international application number.

On 02 December 2010, applicants filed the subject petition which was accompanied by a $400.00 petition fee.

DISCUSSION

In the petition under 37 CFR 1.182 filed 02 December 2010, applicants' request that the USPTO correct the international application number in the above-captioned national stage application to PCT/EP2007/053129.

The $400.00 petition fee has been paid.

A review of the above-captioned application file verifies that the wrong PCT number (PCT/US2007/053129) was designated when filing the application

electronically using the USPTO EFS-Web on 23 September 2008. The transmittal letter, preliminary amendment, sequence listing and international papers list the international application number as PCT/EP2007/053129. WIPO records show that the title, international filing date, priority date and listed applicants correspond to PCT/EP2007/053129, not PCT/US2007/053129.

Thus, it is clear that the subject application was intended to be filed as the national stage of PCT/EP2007/053129 but for a typographical error made upon initial filing.

CONCLUSION

Applicants' petition under 37 CFR 1.182 is **GRANTED**.

USPTO records have been updated to reflect that the above-captioned application is the national stage of PCT/EP2007/053129.

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Patent No. : 8,034,142 B2
Ser. No. : 12/294,190
Inventor(s) : Sakakida et al.
Issued : Oct. 11, 2011
Title : GAS/LIQUID SEPARATOR
Docket No. : NNA4-484-A
Re: Request for Certificate of Correction

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

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

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

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

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

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

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

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

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

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

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

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

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

PTO/SB/420 (05-10)
Approved for use through 05/31/2010. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 2832-0567PUS1	Application Number (if known): 12/294,259	Filing date: September 24, 2008
First Named Inventor: Bum Sung KIM		
Title: THIN-FILM PHOTOVOLTAIC DEVICE MODULE AND FABRICATION METHOD THEREOF		

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

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

1. By filing this petition:

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

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

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

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

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

6. Other attachments: _____

Signature	Date AUG - 2 2010
Name (Print/Typed) Esther H. Chong	Registration Number 40,953

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.

Docket No.: 2832-0567PUS1
(Patent)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application of:	Bum Sung KIM et al.		
Application No.:	12/294,259	Confirmation No.:	8210
Filed:	September 24, 2008	Art Unit:	1795
For:	THIN-FILM PHOTOVOLTAIC DEVICE MODULE AND FABRICATION METHOD THEREOF	Examiner:	Not Yet Assigned

STATEMENT OF SPECIAL STATUS FOR THE ELIGIBILITY REQUIREMENT UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

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

Sir:

In support of the Petition to Make Special Under the Green Technology Pilot Program, it is respectfully submitted that the basis for the requested special status is that the invention claimed in the above-identified patent application materially contributes to the development of renewable energy sources and/or green house gas emission reduction. Specifically, the claimed invention relates to a thin film photovoltaic device module.

Additionally, by filing this petition, the applicant agrees to make an election without traverse in a telephone interview and elect an invention that meets the eligibility requirements set for 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.

It is also submitted that this application meets the eligibility requirements to participate in the Green Technology Pilot Program, as listed in the attached Petition to Make Special Under the Green Technology Pilot Program.

Accordingly, it is respectfully requested that the Petition be granted.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Seth S. Kim, Reg. No. 54,577, at the telephone number of the undersigned below to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

Dated: AUG - 2 2010

Respectfully submitted,

By _____

Esther H. Chong
Registration No.: 40953
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road, Suite 100 East
P.O. Box 747
Falls Church, VA 22040-0747
703-205-8000

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/294,259	12/17/2008	Bum-Sung Kim	2832-0567PUS1	8210

2292 7590 08/17/2010
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER
RIDLEY, BASIA ANNA

ART UNIT	PAPER NUMBER
1795	

NOTIFICATION DATE	DELIVERY MODE
08/17/2010	ELECTRONIC

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

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

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

mailroom@bskb.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

AUG 17 2010

In re Application of	:	
Bum-Sung Kim et al.	:	DECISION ON PETITION
Application No. 12/294,259	:	TO MAKE SPECIAL UNDER
Filed: September 24, 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. 2832-0567PUS1	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed August 02, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **GRANTED**.

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

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

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

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

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

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

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 08/30/11

TO SPE OF : ART UNIT 1652

SUBJECT : Request for Certificate of Correction for Appl. No 12/294,308 7923225

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (CofC)

Should the change(s) Be made? Yes

RoChaun Hardwick
Certificates of Correction Branch
571 272-0470

Thank You For Your Assistance

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

Note your decision on the appropriate box.

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

Comments: _____

KATHLEEN KERR BRAGDON, PH.D.
SUPERVISORY PATENT EXAMINER

acting

Kathleen K Bragdon — 1652

SPE **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

24 SEP 2010

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

Birch Stewart Kolasch & Birch
P.O. Box 747
Falls Church VA 22040-0747

In re Application of:
MEDRANO et al.
Application No.: 12/294,418
PCT No.: PCT/US2007/064848
Int. Filing: 23 March 2007
Priority Date: 24 March 2006
Attorney Docket No.: 2750-1690PUS2
For: PROMOTER, PROMOTER CONTROL ELEMENTS, AND COMBINATIONS, AND USES THEREOF

DECISION ON PETITION

This decision is issued in response to applicants' "Letter Regarding Notification of Acceptance and Petition under 37 CFR 1.47(a)" filed 18 August 2010. The $200 petition fee has been submitted.

BACKGROUND

On 23 March 2007, applicants filed international application PCT/US2007/064848, which claimed a priority date of 24 March 2006. Pursuant to 37 CFR 1.495, the period for paying the basic national fee in the United States expired 30 months from the priority date, 24 September 2008.

On 24 September 2008, applicants filed a request to enter the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the international application; a preliminary amendment; and an application data sheet.

On 30 June 2009, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 01 February 2010, applicants filed a declaration and power of attorney executed by five of the seven joint-inventors. The declaration was not executed by Leonard Medrano or Richard Schneeberger.

On 24 March 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495" (Form PCT/DO/EO/903) which set forth a 35 U.S.C. 371 completion date of 01 February 2010.

On 18 August 2010, applicants submitted a declaration executed by Richard Schneeberger and a "Petition under 37 CFR 1.47." The petition under 37 CFR 1.47(a) seeks acceptance of the application without the signature of joint-inventor, Leonard Medrano.

DISCUSSION

Applicants claim that co-inventor Leonard Medrano refuses to cooperate in the above-captioned application.

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

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

Regarding item (2) above, petitioner states that Leonard Medrano has refused to sign the application. Section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.), **Proof of Unavailability or Refusal**, states, in part:

> 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 nonsigning 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 nonsigning 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 nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

Here, the attempts to contact the nonsigning inventor (Leonard Medrano) are set forth in the statement (Petition under 37 CFR 1.47(a)) by Susan Gorman and (Declaration Submitted in Support of Filing an Application for a Co-Inventor Who is Unavailable under 37 CFR 1.47(a)) by Alaina Emily Wolford. However, it is not clear whether the persons (Susan Gorman and Alaina Emily Wolford) who executed the statements in support of Petition under 37 CFR 1.47(a) is the person who conducted all of the actions set forth therein. It appears that the statements made with regards to efforts to reach Leonard Medrano constitutes secondhand knowledge, at best, in that the majority of the actions to which petitioner is averring to were conducted by Martha Hepworth.[1] Secondhand evidence does not satisfy the requirements set forth above. Applicants must provide evidence of the efforts made to reach the nonsigning inventor in the form required by the MPEP, that is, in an affidavit or declaration from a person with firsthand knowledge of the facts set forth, accompanied by copies of any supportive documentary evidence.

As stated above, where a refusal of the inventor to sign the application papers is alleged, a statement of facts is needed from a person having first hand knowledge of the facts that a complete copy of the application papers (specification, claims, and drawings) were sent to Leonard Medrano, and when such papers were sent. In addition, copies of documentary evidence such as a certified mail return receipt, cover letter of instruction, telegrams, etc., should be supplied with the declaration.

Regarding item (3) above, a clear statement of the last known address of the nonsigning inventor has not been provided. In situations where an inventor does not execute the oath or declaration, the inventor's most recent home address must be given to enable the Office to communicate directly with the inventor as necessary. (See MPEP §605.03.)

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

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

---

[1]In this situation, a statement from Martha Hepworth (under Section 1001 of Title of the United States Code) should be presented that the Fedex envelope was personally delivered to Mr. Medrano on 08 July 2010.

nonsigning inventor(s), unless otherwise indicated.

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

For the above reasons, it would not be appropriate to accept this application without the signature of Leonard Medrano at this time.

CONCLUSION

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) MONTH** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

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

Anthony Smith
Attorney-Advisor
Office PCT Legal Administration
Tel.: 571-272-3298

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

MAR 15 2011

PCT LEGAL ADMINISTRATION

Birch Stewart Kolasch & Birch
P.O. Box 747
Falls Church VA 22040-0747

In re Application of:
MEDRANO et al.
Application No.: 12/294,418
PCT No.: PCT/US2007/064848
Int. Filing: 23 March 2007
Priority Date: 24 March 2006
Attorney Docket No.: 2750-1690PUS2
For: PROMOTER, PROMOTER CONTROL ELEMENTS, AND COMBINATIONS, AND USES THEREOF

DECISION ON PETITION

In a decision mailed by this Office on 24 September 2010, applicants' renewed petition under 37 CFR 1.47(a) was dismissed without prejudice for failing to satisfy all the requirements of a grantable petition. Specifically, petitioner had not submitted adequate evidence that the nonsigning inventor had refused to execute the application and failed to include the last known address of the nonsigning inventor.

On 24 November 2010, petitioner filed the renewed petition considered herein. The 37 CFR 1.47(a) applicants provided evidence that a complete copy of the subject application was sent to the nonsigning inventor. The documents provided to Leonard Medrano included instructions to sign and return the declaration. These materials provide the required firsthand statement regarding the delivery to the nonsigning inventor of a copy of the complete application, and the nonsigning inventor's refusal to execute the application, with documentary evidence supporting the statement. Additionally, the petition included the last known address of the nonsigning inventor. The petition under 37 CFR 1.47(a) is **GRANTED**.

The application is accepted without the signature of nonsigning inventor Leonard Medrano. A notice of the acceptance of the application will be published in the Official Gazette, and a letter informing the nonsigning inventor of the application will be forwarded to the inventor's last-known address, as set forth in the petition.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision. The 35 U.S.C. 371(c) date is 18 August 2010.

Anthony Smith
Attorney-Advisor
Office PCT Legal Administration
Tel.: 571-272-3298

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

MAR 15 2011

PCT LEGAL ADMINISTRATION

Leonard Medrano
833 W. 13th Street
Azusa, CA 91702

In re Application of:
MEDRANO et al.
Application No.: 12/294,418
PCT No.: PCT/US2007/064848
Int. Filing: 23 March 2007
Priority Date: 24 March 2006
Attorney Docket No.: 2750-1690PUS2
For: PROMOTER, PROMOTER CONTROL ELEMENTS, AND COMBINATIONS, AND USES THEREOF

Dear Leonard Medrano:

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

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

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298
Facsimile: (571) 273-0459

Counsel of Record:
Birch Stewart Kolasch & Birch
P.O. Box 747
Falls Church VA 22040-0747

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

MAR 28 2011

PCT LEGAL ADMINISTRATION

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

In re Application of:
VINSON-HIERONYMUS, et al.
U.S. Application No.: 12/294,507
PCT No.: PCT/US2007/008308
International Filing Date: 30 March 2007
Priority Date: 31 March 2006
Attorney's Docket No.: 0492611-0751 (MIT12125BH)
For: CELASTROL, GEDUNIN, AND DERIVATIVES THEREOF AS HSP90 INHIBITORS

DECISION

This is in response to "Request for Withdrawal as Attorney or Agent and Change of Correspondence Address" filed 15 May 2009 which is being treated as a Petition to Withdraw from Representation under 37 CFR 1.36. No petition fee is required.

DISCUSSION

The criteria for effecting a proper withdrawal of attorney are spelled out in Section 402.06 of the Manual of Patent Examining Procedure (M.P.E.P.) which reads, in part, as follows:

> In the event that a notice of withdrawal is filed by an attorney or agent of record . . . appropriate procedure will be followed pertaining to the withdrawal. The withdrawal is effective when approved rather than when received.
>
> To expedite the handling of requests for permission to withdraw as attorney or agent, under 37 CFR 1.36, Form PTO/SB/83 may be used. Because the Office does not recognize law firms, each attorney of record must sign the notice of withdrawal, or the notice of withdrawal must contain a clear indication of one attorney signing on behalf of another.

Since a power of attorney has not been filed in the present application, the request is **DISMISSED AS MOOT**. However, the request is being treated as a request for change of correspondence address. Since applicant has not provided a statement under 37 CFR 3.73(b), all future communication will be sent to the first named inventor.

All communications will be forwarded to:

Haley Vinson-Hieronymus
20 Parkway Road, #3
Brookline, MA 02445

CONCLUSION

In view of the above discussion, counsel's Request for Withdrawal is **DISMISSED AS MOOT**.

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

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

cc:

Haley Vinson-Hieronymus
20 Parkway Road, #3
Brookline, MA 02445

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
9P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

McDermott Will & Emery
600 13th Street, NW
Washington DC 20005-3096

MAILED

JUL 11 2011

PCT LEGAL ADMINISTRATION

In re Application of :
KINLEY, Peter, J. :
Application No.: 12/294,600 :
PCT No.: PCT/CA2007/001770 :
Int. Filing Date: 05 October 2007 : DECISION
Priority Date: 05 October 2006 :
Att. Docket No.: 050026-0038(GRBK-007) :
For: TWO-STAGE SOLAR :
CONCENTRATING SYSTEM :

This decision is in response to applicants' "Request For Correction of International Application Number," filed in the United States Patent and Trademark Office on 18 May 2009. It is being treated as a petition under 37 CFR 1.182. The fee will be charged to deposit account no. 50-1133, as authorized.

BACKGROUND

On 25 September 2008, applicants filed papers for national phase entry that identified multiple international applications.

On 18 May 2009, applicants filed a petition under 37 CFR 1.182 to correct the national phase data.

DISCUSSION

A filing under 35 USC 371 is the national phase entry of only one international application. Applicant indicates that this application was intended to be the national phase of PCT/CA2007/001770. Applicant has paid the required petition fee. The indications in this application will be corrected to indicate that this is a national phase of PCT/CA2007/001770.

CONCLUSION

For the reasons discussed above, applicant's petition under 37 CFR 1.182 is **GRANTED**.

This application is being returned to the National Stage Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

UNITED STATES 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

MAILED

MAR 21 2011

OFFICE OF PETITIONS

In re Application of

Takashi MITSUHASHI
Application No. 12/294,676
Filed: December 4, 2008
Attorney Docket No. **8048-1334**

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 11, 2011.

The request is **NOT APPROVED**.

The request to withdraw as attorney/agent of record and change of correspondence address is hereby not accepted. Petitioner has not complied with current USPTO requirements, set forth in 37 CFR 10.40 concerning Request for Withdrawal as Attorney and Change of Correspondence Address. Specifically, pursuant to 37 CFR 10.40, the Office will require the practitioner(s) to certify that he, she or they have:

> (1) given reasonable notice to the client, prior to the expiration of the reply period, that the practitioner(s) intends to withdraw from employment;
>
> (2) delivered to the client or duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and
>
> (3) notified the client of any replies that may be due and the time frame within which the client must respond.

Petitioner has not complied with the above certifications. Also, 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.***

Inquires concerning either the examination or status of the application should be directed to the Technology Center at (571) 272-2600. Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7253.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
3404 E. Harmony Road
Mail Stop 35
Fort Collins, CO 80528

MAILED
SEP 13 2011
OFFICE OF PETITIONS

In re Application of :
Christopher J. O'Brien, et. al. :
Application No. 12/294,700 : NOTICE
Filed: December 13, 2010 :
Attorney Docket No. 201004860-5 :

This is a Notice regarding your "Loss Of Entitlement To Small Entity Status", filed on August 16, 2011, which is being treated as a request for acceptance of a fee deficiency under 37 CFR 1.28(c).

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(c) is **NOT ACCEPTED**.

37 CFR 1.28(c)(2)(ii) requires an itemization of the total fee deficiency. The itemization must include the following information:

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

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

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

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

Petitioner should submit the itemization within **TWO (2) MONTHS** from the mail date of this Notice. Failure to timely respond may result in the return of the fee deficiency paper, at the option of the Office.

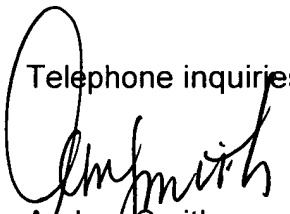
Further correspondence with respect to this matter should be addressed as follows:

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

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

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

Telephone inquiries 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
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ALEXANDRIA, VA 22313-1450
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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

MAILED

OCT 08 2010

PCT LEGAL ADMINISTRATION

In re Application of QUINLAN et al :
U.S. Application No.: 12/294,708 :
PCT Application No.: PCT/US2007/065772 :
Int. Filing Date: 02 April 2007 :
Priority Date Claimed: 31 March 2006 : DECISION
Attorney Docket No.: 332567US91PCT :
For: SYSTEM AND METHOD FOR :
SEARCHING DISPARATE DATASTORES :
VIA A REMOTE DEVICE :

This is in response to applicant's correspondence filed 17 May 2010, which is being treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 02 April 2007, applicant filed international application PCT/US2007/065772, which claimed priority of an earlier United States application filed 31 March 2006. The thirty-month period for paying the basic national fee in the United States expired on 30 September 2008.

On 26 September 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 30 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 oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 17 May 2010, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

The given name of the second inventor is listed as "Robert" in the international application but is listed as "Bob" in the executed declaration.

MPEP 1893.01(e) states in relevant part,

> Where there has been no change of inventorship but the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c). However, where the discrepancy between the name of the inventor indicated in the international application during the international phase and the name of the inventor as it appears in the oath or declaration submitted under 37 CFR 1.497 is the result of a typographical or transliteration error, then a petition under 37 CFR 1.182 will not be required. In such case, the Office should simply be notified of the error.

The present petition states that the discrepancy regarding the second inventor's given name was the result of a typographical or transliteration error. Applicant's explanation for the error is accepted and deemed a proper notification to the Office under MPEP 1893.01(e).

CONCLUSION

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

The application has an International Filing Date under 35 U.S.C. 363 of 02 April 2007, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 17 May 2010.

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

UNITED STATES PATENT AND TRADEMARK OFFICE

02 AUG 2010

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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K&L Gates LLP
P.O. BOX 1135
CHICAGO IL 60690

In re Application of :
CHARZINSKI, Joachim, et al. :
Application No.: 12/294,750 :
PCT App. No.: PCT/EP2007/052675 :
Int'l Filing Date: 21 March 2007 :
Priority Date: 30 March 2006 : DECISION
Attorney Docket No.: 119010-453 :
For: NETWORK ACCESS CONTROL :
USING AN ADDITIONAL TRAFFIC :
CLASS IN A COMMUNICATION :
NETWORK :

This is in response to attorneys' request to withdraw as attorneys of record, filed 31 May 2010, in regard to 12/294,750. The Request is **DISMISSED AS MOOT**.

Counsel was never appointed in the above application. As such, counsel cannot withdraw. Counsel has requested a change of correspondence address to:

Nokia Siemens Networks GmbH & Co. KG
CTO RTP IPR/Patent Administration
80240 Munich
Germany

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

cc: Nokia Siemens Networks GmbH & Co. KG
CTO RTP IPR/Patent Administration
80240 Munich
Germany

UNITED STATES PATENT AND TRADEMARK OFFICE

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High Point Pharmaceuticals, LLC
4170 Mendenhall Oaks Parkway
High Point, NC 27265

MAILED

OCT 18 2011

OFFICE OF PETITIONS

In re Application of :
Florencio Zaragoza Dorwald, et. al. :
Application No. 12/294,756 : DECISION ON PETITION UNDER
Filed: September 26, 2008 : 37 CFR 1.78(a)(6)
Attorney Docket No. 7397.204-US :

This is a decision on the petition under 37 CFR 1.78(a)(6), filed October 6, 2011, to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of the prior-filed provisional applications set forth in the concurrently filed Application Data Sheet (ADS)[1].

The petition is **GRANTED.**

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

(1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

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.

[1] A Notice of Allowance and Fee(s) Due/Notice of Allowability was mailed on September 29, 2011. In response, petitioner filed the present petition along with a Request for Continued Examination (RCE) and the required submission under 37 CFR 1.114 on October 6, 2011.

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

A corrected Filing Receipt, which includes the priority claim to the prior-filed provisional applications, is enclosed with this decision.

The application is being forwarded to Technology Center Art Unit 1627 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.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3226. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

Andrea Smith
Petitions Examiner
Office of Petitions

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
PO Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/294,756	09/26/2008	1627	1340	7397.204-US	25	4

CONFIRMATION NO. 2668

CORRECTED FILING RECEIPT

81848
High Point Pharmaceuticals, LLC
4170 Mendenhall Oaks Parkway
High Point, NC 27265

Date Mailed: 10/17/2011

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

Applicant(s)

Florencio Zaragoza Dorwald, Schweiz, SWITZERLAND;
Rolf Hohlweg, Humblebaek, DENMARK;
Inge Thoger Christensen, Kgs. Lynby, DENMARK;
Jane Marie Lundbeck, Glostrup, DENMARK;
Erik Knud Andersen, Brondby, DENMARK;

Assignment For Published Patent Application

HIGH POINT PHARMACEUTICALS, LLC

Power of Attorney: The patent practitioners associated with Customer Number 81848

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/EP07/52751 03/22/2007
which claims benefit of 60/787,478 03/30/2006
and claims benefit of 60/794,288 04/21/2006
and claims benefit of 60/903,503 02/26/2007

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.)
EUROPEAN PATENT OFFICE (EPO) 06112425.1 04/10/2006
EUROPEAN PATENT OFFICE (EPO) 06111820.4 03/28/2006
EUROPEAN PATENT OFFICE (EPO) 06026875.2 12/24/2006

If Required, Foreign Filing License Granted: 08/14/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/294,756**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
Title

BENZOTHIAZOLES HAVING HISTAMINE H3 RECEPTOR ACTIVITY

Preliminary Class

514

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

NOT GRANTED

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

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ORRICK, HERRINGTON & SUTCLIFFE, LLP
IP PROSECUTION DEPARTMENT
4 PARK PLAZA
SUITE 1600
IRVINE CA 92614-2558

MAILED
JUN 17 2011
OFFICE OF PETITIONS

In re Application of	:	
ASHBY, et al	:	
Application No. 12/294,769	:	DECISION ON PETITION
Filed: February 6, 2009	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 20305.4019	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 5, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement signed by Applicant Malcolm Bell. Accordingly, the above-identified application has been accorded "special" status.

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

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center at (571) 272-2600.

The application is being forwarded to Technology Center Art Unit 2612 for action on the merits commensurate with this decision.

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

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TAROLLI SUNDHEIM COVELL & TUMMINO L.L.P.
1300 EAST NINTH STREET, SUITE 1700
CLEVELAND OH 44114

MAILED

MAR 12 2012

OFFICE OF PETITIONS

In re Patent No. 8,063,883 :
Issue Date: November 22, 2011 :
Application No. 12/294,797 : ON PETITION
Filed: September 26, 2008 :
Attorney Docket No. WW-018657 US ORD :

This is a decision on the petition filed February 24, 2012, under 37 CFR 3.81(b)[1] to correct the assignee's name on the front page of the above-identified patent by way of a Certificate of Correction.

The petition is **granted.**

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3210. Any questions concerning the issuance of the Certificate of Correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

This application is being forwarded to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Irvin Dingle
Petitions Examiner
Office of Petitions

[1] See Official Gazette of June 22, 2004

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

MAILED

APR 14 2011

OFFICE OF PETITIONS

In re Application of :
Omer Luzzatti et al :
Application No. 12/294,836 : DECISION ON PETITION
Filed: September 26, 2008 :
Attorney Docket No. 138637 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 21, 2011, to revive the above-identified application. This is also a decision on the petition to expedite under 37 CFR 1.182, filed March 29, 2011.

The petitions are **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 the issue and publication fees; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowance mailed December 1, 2010, is accepted as having been unintentionally delayed.

There is no indication that the person signing the petitions was ever given a power of attorney to prosecute the application. If the person signing the petitions (namely the petition under 37 CFR 1.137(b)) desires to receive future correspondence regarding this application, the appropriate power of attorney documents must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to the Office of Data Management to be processed into a patent.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

Cc:

EDWARD J. WISE
277 SOUTH WASHINGTON STREET,
SUITE 500
ALEXANDRIA VA 22314

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Baker Donelson Bearman, Caldwell & Berkowitz, PC
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Suite 900
Washington DC 20001

MAILED
MAR 05 2012
PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
KRAUSE et al	:	
Application No.: 12/294,921	:	
PCT No.: PCT/EP2007/002743	:	
Int. Filing Date: 28 March 2007	:	PETITION
Priority Date: 29 March 2006	:	
Attorney's Docket No.: B229 1800US	:	
For: PENETRATION ENHANCERS FOR INSECTICIDAL AGENTS	:	UNDER 37 CFR 1.182

This decision is in response to the "PETITION UNDER 37 CFR 1.182," filed on 18 January 2012 to accept entry of the above identified application into the national stage with the corrected PCT number of PCT/EP2007/002743. Petitioner has been charged the petition fee of $400.00 to the Deposit Account No.: 50-4254.

BACKGROUND

On 28 March 2007, this international application was filed, claiming an earliest priority date of 29 March 2006.

On 14 February 2008, applicants filed a transmittal letter for entry into the national stage in the United States. However, the incorrect PCT number (PCT/US2007//002742) was listed on the Transmittal Letter and on the Electronic Acknowledge Receipt at the time of filing. The correct number, PCT/EP2007/002743, was listed on the Application Data Sheet (ADS)

On 18 January 2012, petitioner filed a petition under 37 CRF 1.182 stating that at the time of filing the application, the international application number was inadvertently keyed due to a clerical error on EFS-WEB and the Transmittal Letter rather than the correct number of PCT/EP2007/002743.

DISCUSSION

Petitioner states that the PCT number was incorrectly entered as PCT/EP2007/002742 rather than the correct number PCT/EP2007/002743.

Although applicants entered the incorrect PCT serial number at the time of filing the application, the correct number PCT/EP2007/002743 was placed on the ADS.

Accordingly, there is sufficient evidence that the correct international application PCT number is PCT/EP2007/002743.

Therefore, petition to accept the correct PCT number of **PCT/EP2007/002743** 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

30 AUG 2010

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CONNOLLY BOVE LODGE & HUTZ, LLP
P O BOX 2207
WILMINGTON DE 19899

In re Application of	:	
OLBRICH et al.	:	DECISION ON
Application No.: 12/294,969	:	
PCT No.: PCT/EP2007/052653	:	PAPERS
Int. Filing Date: 20 March 2007	:	
Priority Date: 31 March 2006	:	UNDER 37 CFR 1.42
Attorney's Docket No.: 13077-00364-US	:	
For: DEVICE AND METHOD FOR THE	:	
PRODUCTION OF COMPOUNDS	:	
BY PRECIPITATION	:	

This is a decision on applicants' submission filed in the United States Patent and Trademark Office (USPTO) on 07 July 2010, which was accompanied by two declarations of inventors. The indication in these declarations that inventor Josef SCHMOLL is deceased has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 20 March 2007, applicants filed international application PCT/EP2007/052653 which claimed a priority date of 31 March 2006 and designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 11 October 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 30 September 2008.

On 29 September 2008, applicants filed, *inter alia*, a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee.

On 22 June 2010, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) indicating, *inter alia*, that a declaration of inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 07 July 2010, applicant filed the instant submission which includes two declaration of inventors. The indication in these declarations that inventor Josef SCHMOLL is deceased has been treated as a request for status under 37 CFR 1.42.

DISCUSSION

Under 37 CFR 1.42, the declaration must include the signature of the legal representative or the signature of all of the heirs (or if there is only one heir, the sole heir). One of the declarations filed 07 July 2010 is signed by heirs of the inventors but does not indicate that these are all of the heirs. When the declaration is signed by a legal representative, the declaration should state that this person is the legal representative. Alternatively, applicants' attorney may file a statement certifying that the person signing is the legal representative. When the declaration is not signed by a legal representative and does not indicate that the persons signing are all of the heirs (or the sole heir), then it must be accompanied by a statement by either those signing or by the attorney which sets forth (1) that they are in fact all the heirs of the deceased and (2) that no legal representative of the deceased's estate has been appointed or is required by the applicable law to be appointed.

Additionally, the declarations filed 07 July 2010 are not sufficient because each contains non-initialed alterations in ink on the Supplemental Sheet, Page 2 of 2 under the name of Josef SCHMOLL. 37 CFR 1.52(c). "Any changes made in ink in the application or oath prior to signing should be initialed and dated by the applicants prior to execution of the oath or declaration. The Office will require a new oath or declaration if the alterations are not initialed and dated." MPEP § 605.04(a). Item I.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **REFUSED**.

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.

Applicant is required to submit a proper declaration within a time period of **TWO (2) MONTHS** from the mail date of this Decision. THIS PERIOD FOR RESPONSE MAY BE EXTENDED UNDER 37 CFR 1.136(a). FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT. Any request for reconsideration of this decision should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42."

/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

MAILED

DEC 06 2010

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CONNOLLY BOVE LODGE & HUTZ, LLP
P O BOX 2207
WILMINGTON DE 19899

In re Application of	:	
OLBRICH et al.	:	DECISION ON
Application No.: 12/294,969	:	
PCT No.: PCT/EP2007/052653	:	PAPERS
Int. Filing Date: 20 March 2007	:	
Priority Date: 31 March 2006	:	UNDER 37 CFR 1.42
Attorney's Docket No.: 13077-00364-US	:	
For: DEVICE AND METHOD FOR THE PRODUCTION OF COMPOUNDS BY PRECIPITATION	:	

This is a decision on applicants' renewed request for status under 37 CFR 1.42 filed in the United States Patent and Trademark Office (USPTO) on 26 October 2010, which was accompanied by a declaration of inventors.

BACKGROUND

On 20 March 2007, applicants filed international application PCT/EP2007/052653 which claimed a priority date of 31 March 2006 and designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 11 October 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 30 September 2008.

On 29 September 2008, applicants filed, *inter alia*, a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee.

On 22 June 2010, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) indicating, *inter alia*, that a declaration of inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 07 July 2010, applicant filed a submission which included two declarations of inventors. The indication in these declarations that inventor Josef SCHMOLL is deceased has been treated as a request for status under 37 CFR 1.42.

On 30 August 2010, a decision was mailed refusing applicants' request for status under 37 CFR 1.42.

On 26 October 2010, applicants submitted the instant renewed request for status under 37 CFR 1.42.

DISCUSSION

The declaration of inventors filed 26 October 2010 is not sufficient because it is an improper composite declaration, consisting of one first page, one second page, one third page, one fourth page ("Page 1 of 2") and two fifth pages ("Page 2 of 2"). Each inventor must be presented with a complete declaration which lists all of the inventors, and the signature of each inventor must appear on at least one complete declaration. **Multiple complete executed declarations may be submitted**, but it is not permissible to combine pages of separate documents. See also MPEP § 201.03, item II.B.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **REFUSED**.

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.

Applicant is required to submit a proper declaration within a time period of **TWO (2) MONTHS** from the mail date of this Decision. THIS PERIOD FOR RESPONSE MAY BE EXTENDED UNDER 37 CFR 1.136(a). FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT. Any request for reconsideration of this decision should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42."

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
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AUG 22 2011

PCT LEGAL ADMINISTRATION

CONNOLLY BOVE LODGE & HUTZ, LLP
P O BOX 2207
WILMINGTON DE 19899

In re Application of
OLBRICH et al.
Application No.: 12/294,969
PCT No.: PCT/EP2007/052653
Int. Filing Date: 20 March 2007
Priority Date: 31 March 2006
Attorney's Docket No.: 13077-00364-US
For: DEVICE AND METHOD FOR THE PRODUCTION OF COMPOUNDS BY PRECIPITATION

DECISION ON

PAPERS

UNDER 37 CFR 1.42

The NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/903) mailed 02 August 2011 is hereby VACATED. Applicants filed a timely response to the decision mailed 06 December 2010 on 04 February 2011.

This is a decision on applicants' renewed submission under 37 CFR 1.42 filed in the United States Patent and Trademark Office (USPTO) on 04 February 2011.

BACKGROUND

On 20 March 2007, applicants filed international application PCT/EP2007/052653 which claimed a priority date of 31 March 2006 and designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 11 October 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 30 September 2008.

On 29 September 2008, applicants filed, *inter alia*, a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee.

On 22 June 2010, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) indicating, *inter alia*, that a declaration of inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 07 July 2010, applicant filed a submission which included two declarations of inventors. The indication in these declarations that inventor Josef SCHMOLL is deceased has been treated as a request for status under 37 CFR 1.42.

On 30 August 2010, a decision was mailed refusing applicants' request for status under 37 CFR 1.42.

On 26 October 2010, applicants submitted a renewed request for status under 37 CFR 1.42.

On 06 December 2010, a decision was mailed refusing applicants' request for status under 37 CFR 1.42.

On 04 February 2011, applicants filed the instant renewed petition under 37 CFR 1.42.

DISCUSSION

The decision mailed 06 December 2010 indicated that the declaration of inventors filed 26 October 2010 is not sufficient because it is an improper composite declaration, consisting of one first page, one second page, one third page, one fourth page ("Page 1 of 2") and two fifth pages ("Page 2 of 2"). The decision indicated that each inventor must be presented with a complete declaration which lists all of the inventors, and the signature of each inventor must appear on at least one complete declaration and that multiple complete executed declarations may be submitted, but it is not permissible to combine pages of separate documents.

The declarations of inventors filed 26 October 2010 and 04 February 2011 satisfy the requirements set forth in the decision mailed 06 December 2010. The declaration of inventors filed 26 October 2010 is sufficient for all of the heirs of the deceased inventor Josef SCHMOLL and for all of the inventors except Michael Kruft. The declaration of inventors filed 04 February 2011 is sufficient for Michael Kruft.

The submissions filed 26 October 2010 and 04 February 2011 are in compliance with 37 CFR 1.42. The declarations of inventors filed 26 October 2010 and 04 February 2011 are in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **ACCEPTED**.

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 in accordance with this decision.

/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

13 SEP 2010

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Samuel Borodach
Fish & Richardson
Citigroup Center
52nd Floor
153 East 53rd Street
New York, NY 10022-4611

In re Application of	:	
Ghawana, et al.	:	
Application No.: 12/295,001	:	DECISION
PCT No.: PCT/IB2006/002079	:	
Int. Filing Date: 31 July 2006	:	
Priority Date: 30 March 2006	:	
Attorney's Docket No.: 24669-0002US1	:	
For: A METHOD FOR RAPID ISOLATION OF RNA AND A KIT THEREOF	:	

This decision is in response to "PETITION TO CORRECT THE FIRST INVENTOR'S NAME" filed 23 July 2010 indicating that the first named applicant's name was misspelled due to a typographical error in the international application.

BACKGROUND

On 31 July 2006, applicants filed international application PCT/IB2006/002079, which claimed priority of an earlier Indian application filed 30 March 2006. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 11 October 2007. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 30 September 2008.

On 29 September 2008, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia, a copy of the international application and the requisite basic national fee as required by 35 U.S.C. 371(c). This application was assigned U.S. serial number 12/295,001.

On 09 January 2009, applicant filed a declaration and an application data sheet.

On 02 June 2010, 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 to correct the inventor's name. The notification set a two-month time period in which to respond.

On 23 July 2010, applicant filed the current request.

DISCUSSION

MPEP 201.03 states, in part:

> Where a typographical or transliteration error in the spelling of an inventor's name is discovered, the Office should simply be notified of the error. A new oath or declaration is not required. See MPEP § 605.04(g). Reference to the notification will be made on the previously filed oath or declaration.

Correction of the inventor's name is due to a typographical error. Therefore, no petition fee is due.

A review of the declaration reveals that the inventor's name has been altered. The USPTO does not accept a declaration that has been altered.

Section 602.01 of the MPEP states the following:

> The wording of an oath or declaration cannot be amended, altered or changed in any manner after it has been signed. If the wording is not correct or if all of the required affirmations have not been made, or if it has not been properly subscribed to, a new oath or declaration must be required....

Any changes made in ink in the application or oath prior to signing should be initialed and dated by the applicants prior to execution of the oath or declaration. The Office will not consider whether non-initialed and/or nondated alterations were made before or after signing of the oath or declaration but will require a new oath or declaration.

CONCLUSION

For the reasons above, the declaration is **NOT ACCEPTED**.

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).

The **$400** petition fee has been **refunded** to applicant's deposit account **# 061050**.

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

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APR 06 2011

PCT LEGAL ADMINISTRATION

Samuel Borodach
Fish & Richardson
Citigroup Center
52nd Floor
153 East 53rd Street
New York, NY 10022-4611

In re Application of	:	
Ghawana, et al.	:	
Application No.: 12/295,001	:	DECISION
PCT No.: PCT/IB2006/002079	:	
Int. Filing Date: 31 July 2006	:	
Priority Date: 30 March 2006	:	
Attorney's Docket No.: 24669-0002US1	:	
For: A METHOD FOR RAPID ISOLATION OF RNA AND A KIT THEREOF	:	

This decision is in response to "TRANSMITTAL OF NEW COMBINED DECLARATION AND POWER OF ATTORNEY AND REQUEST TO CORRECT INVENTOR'S NAME" filed 13 January 2011 indicating that a new Combined Declaration and Power of Attorney has been executed and includes the correct spelling of inventor Ghawana's name.

BACKGROUND

On 31 July 2006, applicants filed international application PCT/IB2006/002079, which claimed priority of an earlier Indian application filed 30 March 2006. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 11 October 2007. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 30 September 2008.

On 29 September 2008, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia, a copy of the international application and the requisite basic national fee as required by 35 U.S.C. 371(c). This application was assigned U.S. serial number 12/295,001.

On 09 January 2009, applicant filed a declaration and an application data sheet.

On 02 June 2010, 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 to correct the inventor's name. The notification set a two-month time period in which to respond.

On 23 July 2010, applicant filed a request to correct to correct inventor Ghawana's name which had been misspelled due to a typographical error.

On 23 July 2010, a decision was mailed to applicant indicating that the error was a typographical error but that the inventor's name had been altered. Therefore, a new declaration was required.

On 13 January 2011, applicant filed the current response along with a newly executed declaration.

DISCUSSION

The declaration submitted 13 January 2011 contained four identical sheets of page 2. Each page is signed by different inventors. The declaration is not properly executed. It appears that the attorney pieced together four separate complete declarations into one composite declaration or an inventor was presented with an incomplete declaration. What is required is one declaration where all inventors have signed or four separate complete declarations. Thus, the requirements of 37 CFR 1.497 have not been met and the declaration is unacceptable.

CONCLUSION

For the reasons above, the declaration is **NOT ACCEPTED**.

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.

Debra Brittingham
PCT Special Programs Examiner
Office of PCT Legal Administration

Tel: (571) 272-3280

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

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

MAILED

MAR 09 2011

OFFICE OF PETITIONS

In re Application of
Krishnapuram Sreenivasachar Murali, et al.
Application No. 12/295,034
Filed: February 22, 2010
Attorney Docket No. 38371-506N01US

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the renewed Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b), filed January 26, 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. The practitioner(s) should determine whether he or she was appointed by naming each practitioner individually or through the use of a Customer Number. If the practitioner(s) were appointed by a specific designation, then the request should ask that each specified practitioner be withdrawn and should list each practitioner(s) in the Request. Similarly, if practitioner(s) was appointed by a Customer Number, the practitioner(s) should ensure that the correct number is provided in the Request Additionally, as set forth in MPEP 403(I), the addition or deletion of a practitioner from the list of persons associated with a Customer Number should be done by way of a *Request for Customer umber Data Change* (PTO/SB/124) and not a *Request for Withdrawal As Attorney or Agent and Change of Correspondence Address* (PTO/SB/83).

Accordingly, the request cannot be approved because practitioners were not appointed by customer number 30623. Practitioners must withdraw using the same customer number 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: KRISHNAPURAM SREENIVASACHAR MURALI
NEERA PANDEY
C/O JA KEMP & CO
14 SOUTH STREET, GRAY'S INN
LONDON WC1R5JJ UNITED KINGDOM

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

PTO/SB/20PCT-AU (01-11)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE IP AUSTRALIA (IPAU) AND THE USPTO

Application No:	12/295,053	Filing date:	January 30, 2009
First Named Inventor:	Stewart Ellis Smith Greenhill		
Title of the Invention:	TESTING SURVEILLANCE CAMERA INSTALATIONS		

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

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

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

The corresponding PCT application number(s) is/are: PCT/AU2007/000398

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

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

PTO/SB/20PCT-AU (01-11)
Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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

(continued)

Application No.:	12/295,053
First Named Inventor:	Stewart Ellis Smith Greenhill

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 January 30, 2009

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

☑ Are attached.

☑ Have already been filed in the above-identified U.S. application on January 30, 2009

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Original
2	2	Original
3	3	Amended to remove multiple dependencies
4	4	Amended to remove multiple dependencies
5	5	Original
6	6	Original
7	7	Original
8	8	Original

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

Signature /John E. Nemazi/	Date February 10, 2011
Name (Print/Typed) John E. Nemazi	Registration Number 30876

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

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44*bis*)

Applicant's or agent's file reference 131823	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/AU2007/000398	International filing date *(day/month/year)* 28 March 2007 (28.03.2007)	Priority date *(day/month/year)* 29 March 2006 (29.03.2006)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant CURTIN UNIVERSITY OF TECHNOLOGY		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 *bis*.1(a).

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

   In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

☒	Box No. I	Basis of the report
☐	Box No. II	Priority
☐	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
☐	Box No. IV	Lack of unity of invention
☒	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
☒	Box No. VI	Certain documents cited
☐	Box No. VII	Certain defects in the international application
☐	Box No. VIII	Certain observations on the international application

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44*bis*.3(c) and 93*bis*.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44*bis* .2).

	Date of issuance of this report 30 September 2008 (30.09.2008)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Dorothée Mülhausen e-mail: pt01.pct@wipo.int

Form PCT/IB/373 (January 2004)

PATENT COOPERATION TREATY

From the:
INTERNATIONAL SEARCHING AUTHORITY

To:

F B Rice & Co
Level 23
44 Market Street
SYDNEY NSW 2000

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

	Date of mailing *(day/month/year)* 3 MAY 2007
Applicant's or agent's file reference 131823	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/AU2007/000398	28 March 2007	29 March 2006

International Patent Classification (IPC) or both national classification and IPC
Int. Cl.

H04N 7/18 (2006.01) ***G06F 11/00*** (2006.01)

Applicant
CURTIN UNIVERSITY OF TECHNOLOGY et al

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

[X]	Box No. I	Basis of the opinion
[ ]	Box No. II	Priority
[ ]	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
[ ]	Box No. IV	Lack of unity of invention
[X]	Box No. V	Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
[X]	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 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

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

For further options, see Form PCT/ISA/220.

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

Name and mailing address of the ISA	Date of completion of this opinion	Authorized Officer
AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustralia.gov.au Facsimile No. (02) 6285 3929	26 April 2007	**JAMES WILLIAMS** AUSTRALIAN PATENT OFFICE (ISO 9001 Quality Certified Service) Telephone No. (02) 6283 2599

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/AU2007/000398

Box No. I Basis of this opinion

1. With regard to the **language,** this opinion has been established on the basis of:

   [X] The international application in the language in which it was filed

   [ ] A translation of the international application into, , which is the language of a translation furnished for the purposes of international search (under Rules 12.3(a) and 23.1(b)).

2. [ ] This opinion has been established taking into account **the rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43*bis*.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of:

   a. type of material

      [ ] a sequence listing

      [ ] table(s) related to the sequence listing

   b. format of material

      [ ] on paper

      [ ] in electronic form

   c. time of filing/furnishing

      [ ] contained in the international application as filed.

      [ ] filed together with the international application in electronic form.

      [ ] furnished subsequently to this Authority for the purposes of search.

4. [ ] In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/AU2007/000398

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

1. Statement

Novelty (N)	Claims	**1-8**	**YES**
	Claims		**NO**
Inventive step (IS)	Claims	**1-8**	**YES**
	Claims		**NO**
Industrial applicability (IA)	Claims	**1-8**	**YES**
	Claims		**NO**

2. Citations and explanations:

Novelty and Inventive Step

D1: US 5,778,008 A (SHIMIZU et al) 7 July 1998
D2: WO 1995/024702 A1 (SQ SERVICES AG) 14 September 1995

All the documents cited in the ISR were category A only. Therefore the claimed invention is not disclosed in any of these patent documents and hence all the claims meet the requirements of Article 33(2) of the PCT with regard to novelty and inventive step.

With regard to the document(s) listed in Box VI under "certain documents cited", these are documents published prior to the international filing date but later than the priority date claimed but which would otherwise be considered to be of particular relevance.

Under the PCT, novelty is considered only in respect of documents published before the priority date. The relevance of a document published after the priority date is dependent upon national law. Such documents are excluded from consideration in preliminary examination, under the PCT Guidelines but have been included here for information.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/AU2007/000398

Box No. VI Certain documents cited

1. Certain published documents (Rules 43*bis*.1 and 70.10)

Application No. Patent No.	Publication date *(day/month/year)*	Filing date *(day/month/year)*	Priority date (valid claim) *(day/month/year)*
JP 2006-352644	28/12/2006	17/06/2005	17/06/2005

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

Kind of non-written disclosure	Date of non-written disclosure *(day/month/year)*	Date of written disclosure referring to non-written disclosure *(day/month/year)*

UNITED 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.
12/295,053	01/30/2009	Stewart Ellis Smith Greenhill	FBR0102PUSA	4935

22045 7590 06/08/2011

BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075

EXAMINER	
DHARIA, RUPAL	
ART UNIT	**PAPER NUMBER**
2456	
MAIL DATE	**DELIVERY MODE**
06/08/2011	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

BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD MI 48075

In re Application of: GREENHILL, et al.
Application No. 12/295053
Filed: Sep 29, 2008
For: TESTING SURVEILLANCE CAMERA INSTALLATIONS

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

This is a decision on the request to participate in the PCT-Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed Feb 10, 2011 to make the above identified application special.

The petition is **GRANTED**

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

1) The relationship between the corresponding U.S. application for which participation in the PCT-PPH pilot program is requested and the PCT application satisfies one of the following:

(a) The U.S. application is a national stage entry of the corresponding PCT application.

(b)The U.S. application is a national application which forms the basis for the priority claim in the corresponding PCT application.

(c) The U.S. application is a national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT application.

(d) The U.S. application is a national application claiming foreign/domestic priority to the corresponding PCT application.

(e) The U.S. application is a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) to (d) scenarios.

(2) The latest work product in the international phase of the PCT application corresponding to the U.S. application indicates at least one claim in the PCT application has novelty, inventive step and industrial

applicability. In case any observation is described in Box VIII of the WO/ISA, or the WO/IPEA, or the IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII. The U.S. application will not be eligible to participate in the PCT-PPH pilot program if applicant does not identify and explain why the claim(s) is/are not subject to the observation described in Box VIII.

Applicant may not file a request to participate in the PCT-PPH pilot program on the basis of an International Search Report (ISR) only.

(3) Applicant must:
a. Ensure all the claims in the U.S. application sufficiently correspond or be amended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application and

b. Submit a claims correspondence table in English;

(4) Substantive Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of:
a. the latest international work product, WO/ISA, or WO/IPEA or PER, which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language, unless the U.S. application and the corresponding PCT application satisfy the relationship noted in (l)(a) above.

(6) Applicant must submit a copy of:
a. the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application,
b. an English translation of the claims and
c. a statement that the English translation is accurate.

If the claims in the U.S. application are identical to the claims from the corresponding PCT application, and are in the English language, applicant may just indicate such in the PCT-PPH request and it will not be necessary for applicant to submit a copy of the claims from the corresponding PCT application.

(7) Applicant must submit:
a. An IDS listing the documents cited in the work products in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER,(unless already submitted in this application)
b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

(8) The request for participation in the PCT-PPH pilot program and all the supporting documents must be submitted to the USPTO via EFS-Web and indexed with the following document description: "Petition to make special under PCT-Patent Pros Hwy." Any preliminary amendments and IDS submitted

with the PCT-PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

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

Accordingly, the Petition is **GRANTED**.

Telephone inquiries concerning this decision should be directed to Kim Huynh at 571-272-4147.

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

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

/Kim Huynh/

Kim Huynh
Quality Assurance Specialist,
Technology Center 2400

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DRINKER BIDDLE & REATH (DC)
1500 K STREET, N.W.
SUITE 1100
WASHINGTON, DC 20005-1209

MAILED
MAY 13 2011
OFFICE OF PETITIONS

In re Application of :
Masaaki Nakai, et al. :
Application No. 12/295,078 : ON PETITION
Filed: September 29, 2008 :
Attorney Docket No.: 47233-5052 (429622) :

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

The petition is **GRANTED**.

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed August 25, 2010, which set a shortened statutory period for reply of three (3) months. A Notice of Abandonment was subsequently mailed on April 5, 2011. In response, on April 6, 2011, the present petition was filed, along with the balance of a 3-month extension of time of $620.

Extensions of time under 37 CFR 1.136 are available only if asked for prior to or with the response. In no case, however, may an applicant respond later than the maximum time period set by statute. Accordingly, if the question of abandonment arises when the provisions of 37 CFR 1.136 can no longer be used, then the application is abandoned when the unextended time for response has expired. Since, no extension of time fees are due on a petition for revival, the $620 extension fee included with this petition is being refunded to counsel's credit card.

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), including the fee of $810 and the submission required by 37 CFR 1.114; (2) the petition fee of $1,620; and (3) an adequate statement of unintentional delay.

This application is being referred to Technology Center AU 1628 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/295,139	01/09/2009	Takuro Minowada	660129.401USPC	5303

500 7590 07/15/2011

SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 5400
SEATTLE, WA 98104

EXAMINER	
QAZI, SABIHA NAIM	

ART UNIT	PAPER NUMBER
1628	

MAIL DATE	DELIVERY MODE
07/15/2011	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

JUL 15 2011

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 5400
SEATTLE, WA 98104

In re Application of	:	DECISION ON REQUEST TO
MINOWADA ET AL.	:	PARTICIPATE IN PATENT
Application No. 12/295,139	:	PROSECUTION HIGHWAY
Filed: January 9, 2009	:	PROGRAM AND PETITION
Attorney Docket No. 660129.401USPC	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed December 22, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application 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) The JPO application(s) have at least one claim that was determined by the JPO to be allowable/patentable;
(3) All the claims in each U.S. application for which a request for participation in the PPH program is made must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claims in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the Office action from the JPO application just prior to the "Decision to Grant a Patent" (e.g., the latest "Notification of Reasons for Refusal") from each of the JPO application(s) containing the allowable/patentable claims that are the basis for the request, along with an English translation thereof and a statement that the English translation is accurate;

(6) Applicant must submit a copy of the allowable/patentable claims from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(7) Applicant must submit a claim correspondence table in English; and
(8) Applicant must submit an information disclosure statement (IDS) listing the documents cited by the JPO examiner in the JPO office action (unless such an IDS has already been filed in the U.S. application).

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

Telephone inquiries concerning this decision should be directed to Cecilia Tsang at 571-272-0562.

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

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

Cecilia Tsang
Supervisory Patent Examiner
TC 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED

MAR 09 2011

OFFICE OF PETITIONS

In re Application of :
Krishnapuram Sreenivasachar Murali, et al. :
Application No. 12/295,168 :
Filed: September 29, 2008 :
Attorney Docket No. 38371-504N01 :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the renewed Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b), filed January 26, 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. The practitioner(s) should determine whether he or she was appointed by naming each practitioner individually or through the use of a Customer Number. If the practitioner(s) were appointed by a specific designation, then the request should ask that each specified practitioner be withdrawn and should list each practitioner(s) in the Request. Similarly, if practitioner(s) was appointed by a Customer Number, the practitioner(s) should ensure that the correct number is provided in the Request Additionally, as set forth in MPEP 403(I), the addition or deletion of a practitioner from the list of persons associated with a Customer Number should be done by way of a *Request for Customer umber Data Change* (PTO/SB/124) and not a *Request for Withdrawal As Attorney or Agent and Change of Correspondence Address* (PTO/SB/83).

Accordingly, the request cannot be approved because practitioners were not appointed by customer number 30623. Practitioners must withdraw using the same customer number 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: SREENIVASACHAR MURALI KRISHNAPURAM
NEERA PANDEY
C/O JA KEMP & CO
14 SOUTH STREET, GRAY'S INN
LONDON WC1R5JJ UNITED KINGDOM

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C
ONE FINANCIAL CENTER
BOSTON, MA 02111

MAILED

MAR 09 2011

OFFICE OF PETITIONS

In re Application of
Tangirala sudhakar Johnson, et al.
Application No. 12/295,254
Filed: June 14, 2010
Attorney Docket No. 38371-505N01US

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 26, 2011.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Mintz, Levin, Cohn, Ferris, Glovsky & Popeo, PC has been revoked by the assignee of the patent application on March 4, 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

Jason Y. Pahng and Associates, LLC
12178 Bridgend Run
Fairfax, VA 22030

MAILED

AUG 3 1 2010

OFFICE OF PETITIONS

In re Application of :
Sung-Jin Hong :
Application No. 12/295,291 : DECISION ON PETITION
Filed: September 30, 2008 :
Attorney Docket No. JU-27904 :

This is a decision on the petition under 37 CFR 1.137(a), filed on May 18, 2010, requesting revival of the above-identified application.

The above application became abandoned for failure to timely respond to the Notice of Allowability (Notice) mailed November 3, 2009. A Notice of Abandonment was mailed on February 25, 2010.

Petitioner states, "It is not possible to submit the corrected drawings as allegedly required in the Notice of Allowability dated November 3, 2009. In fact, the check mark of the requirement box is a typographical error of Examiner."

Petitioner should note that whether he agree or disagree with the Office, he should not have allowed the maximum extendable period for reply to expire. If petitioner thought the Notice mailed on November 3, 2009 was issued in error, a response should have been timely submitted within three months from the mail date of the Notice, which would have tolled the period for reply. As no reply was timely filed, the above application was properly held abandoned.

In view of the above, the petition is dismissed.

It is strongly recommended that petitioner file a petition to revive under 37 CFR 1.137(b) and pay the petition fee of $1,620. 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 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, 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.

To expedite consideration, petitioner may wish to contact the undersigned once the petition under 37 CFR 1.137(b) has been filed.

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

Andrea Smith
Petitions Examiner
Office of Petitions

David Bucci
Petitions Examiner

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Jason Y. Pahng and Associates, LLC
12178 Bridgend Run
Fairfax, VA 22030

MAILED

JAN 14 2011

OFFICE OF PETITIONS

In re Application of :
Sung-Jin Hong :
Application No. 12/295,291 : DECISION ON PETITION
Filed: September 30,2008 :
Attorney Docket No. JU-27904 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed September 26, 2010, to revive the above-identified application.

A review of the official file record for the above application shows that the Notice of Allowability mailed November 3, 2009, mistakenly required petitioner to submit correct drawings. Therefore, since the petition satisfies the requirements of 37 CFR 1.137(b), in that petitioner has supplied (1) a response to the Notice of Allowability; (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

MAR 3 1 2011

PCT LEGAL ADMINISTRATION

NOVO NORDISK, INC.
INTELLECTUAL PROPERTY DEPARTMENT
100 COLLEGE ROAD WEST
PRINCETON NJ 08540

In re Application of :
NIELSEN, Preben, et al. :
Application No.: 12/295,430 :
PCT No.: PCT/EP2007/053558 : DECISION ON
Int. Filing Date: 12 April 2007 :
Priority Date: 12 April 2006 : PETITION
Attorney Docket No.: 7357.204-US :
For: ABSOLUTE POSITION : UNDER 37 CFR 1.182
DETERMINATION OF MOVABLY :
MOUNTED MEMBER IN :
MEDICATION DELIVERY DEVICE :

This decision is in response to applicants' Petition Under 37 CFR 1.182, filed with the United States Patent and Trademark Office on 05 November 2009.

BACKGROUND

On 15 October 2009, the Office mailed Notification of Defective Response (Form PCT/DO/EO/916) indicating that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 05 November 2009, applicants submitted a declaration of the inventors and a petition under 37 CFR 1.182.

DISCUSSION

Applicants have supplied a statement from inventor Sørenson stating that he is the inventor in application 12/295,430 and should have been listed as "Peter Grønning Sørenson," but was incorrectly listed as "Peter Grønning Nielsen."

The 05 November 2009 declaration complies with 37 CFR 1.497(a)-(b).

CONCLUSION

Applicant's petition under 37 CFR 1.182 to correct applicant's name is **GRANTED**.

This application is being referred to the National Phase Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

UNITED STATES PATENT AND TRADEMARK OFFICE

14 SEP 2010

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

30903
CRAIN, CATON & JAMES
Five Houston Center
1401 McKinney, 17th Floor
Houston, TX 77010

In re Application of :
SCEATS *et al* :
U.S. Application No.: 12/295,468 :
PCT No.: PCT/AU2007/000424 :
Int. Filing Date: 02 April 2007 : **DECISION**
Priority Date: 31 March 2006 :
Attorney Docket No.: 12459-3 :
For: SYSTEM AND METHOD FOR THE :
CALCINATION OF MINERALS :

This decision is in response to the papers filed 22 July 2010.

BACKGROUND

On 30 March 2010, a decision dismissing applicants' petition pursuant to 37 CFR 1.42 was mailed. Applicants were given two months to respond with extensions of time available.

On 22 July 2010, applicants filed a response which was accompanied by, *inter alia*, a two-month extension and fee, and a declaration executed by the legal representative of a deceased inventor.

DISCUSSION

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

In the response to the prior decision, applicants filed a declaration executed by Ms. Patricia RICHARDSON, as the legal representative of deceased co-inventor, Connor James HORLEY. The residence, mailing address and citizenship of Ms. RICHARDSON are recorded on the petition pursuant to 37 CFR 1.497(b)(2). The citizenship information for both inventors are also recorded on the declaration.

This declaration is in compliance with 37 CFR 1.497(a) and (b).

CONCLUSION

The papers filed under 37 CFR 1.42 are **ACCEPTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 02 April 2007 under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 22 July 2010.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/295,495	09/30/2008	Hiroyuki Ikeuchi	55131	7755

1609 7590 04/26/2011

ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON,, DC 20036

EXAMINER	
PEETS, MONIQUE R	

ART UNIT	PAPER NUMBER
1761	

MAIL DATE	DELIVERY MODE
04/26/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mailed : 4/26/11

In re Application of : DECISION ON
Ikeuchi et al. : PETITION
Serial No. 12/295,495 :
Filed: September 30, 2008 :
For: Water Absorbing Agent And Production Method Thereof

This is a decision on the PETITION FILED UNDER 37 CFR 1.144 filed on March 11, 2011.

The Examiner on June 9, 2010 made a restriction requirement for claims 1-19 under lack of unity. Group I, claims 1, 4-10 and 19 -30, were drawn to a composition; Group II, claims 2, 4-5, 7-10 and 19 drawn to a composition; Group II, claims 3-5, 7-10, 19 drawn to a composition; Group IV claims 11-12, 14-18, drawn to a method and Group V claims 13-18, drawn to a method. The Examiner determined that the groups of inventions did not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: Claim 1 is not novel, please see international search report.

Applicants responded on August 6, 2010 and elected Group II. Applicants request that the restriction requirement be withdrawn because the Examiner did not provide an adequate basis to support the restriction for a lack of unity.

When making a lack of unity of invention requirement, the examiner must (1) list the different groups of claims and (2) explain why each group lacks unity with each other group (i.e., why there is no single general inventive concept) specifically describing the unique special technical feature in each group. The Examiner did not do this

12/295,495

DECISION

The petition is **GRANTED.**

The restriction requirement is withdrawn

_____/Yvonne Eyler/
Director, Technology Center 1700_____

Yvonne L. Eyler, Director
Technology Center 1700
Chemical and Materials Engineering

Garrett V. Davis
ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON, DC 20036

UNITED 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.
12/295,527	09/30/2008	Kazuhiro Yamanishi	2008_1759A	8117

52349 7590 08/01/2011

WENDEROTH, LIND & PONACK L.L.P.
1030 15th Street, N.W.
Suite 400 East
Washington, DC 20005-1503

EXAMINER	
ARANI, TAGHI T	

ART UNIT	PAPER NUMBER
2438	

NOTIFICATION DATE	DELIVERY MODE
08/01/2011	ELECTRONIC

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

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

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

ddalecki@wenderoth.com
eoa@wenderoth.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

WENDEROTH, LIND & PONACK L.L.P.
1030 15th Street, N.W.
Suite 400 East
Washington DC 20005-1503

In re Application of:
YAMANISHI, Kazuhiro
Application No. 12295527
Filed: September 30, 2008
For: PROGRAM REPRODUCING DEVICE AND PROGRAM

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 23, 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 JPO application(s);
b. An English translation of the allowable/patentable claim(s), if the claims were published in a language other than English); and
c. A statement that the English translation is accurate;

(3) Applicant must:
a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the 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 JPO 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); and

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 Kim Huynh at 571-272-4147

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

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

/Kim Huynh/

Kim Huynh
Quality Assurance Specialist
Technology Center 2400

Patent
Docket No.: 1200612 N US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:			
David JARUS and Guoqiang QIAN			
§371 Serial No.:	Unknown		
§371 Date:	Herewith		
PCT Serial No.:	PCT/US2007/064998		
Filed:	March 27, 2007 (27.03.07)	Examiner:	Unknown
For:	WEATHERABLE POLYOLEFIN NANOCOMPOSITES		

Response to Dismissal of Petition for Participation in PPH-PCT

Mail Stop PCT, Attn: US DO/EO
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Introductory Comments

Applicants request reconsideration of their Petition to participate in the PCT-PPH program. The dismissal was based on the fact that Claims 1-14 were withdrawn, not cancelled. This third Preliminary Amendment cancels Claims 1-14 and 16-20, without prejudice to the filing of a continuing application, in order for Claim 15 to participate in the PCT-PPH program.

Respectfully submitted by:

August 10, 2010
Date

John H. Hornickel
Registration No. 29,393
Telephone: 440-930-3317
Fax: 440-930-1179
John.Hornickel@PolyOne.com

PolyOne Corporation
33587 Walker Road
Avon Lake, Ohio 44012

What is claimed is:

1-14. (Cancelled)

15. (Original) A method of discovering how the use of an additive in a polyolefin compound affects the weatherability of that compound, comprising the steps of:

(a) exposing the compound with an absorption filter at a specific wavelength for a specific amount of time;

(b) exposing the same compound without the absorption filter at the specific wavelength for the specific amount of time;

(c) repeating steps (a) and (b) with different filters at different wavelengths to determine what wavelengths cause degradation or crazing of the compound;

(d) selecting a material that absorbs at the wavelengths which cause degradation or crazing.

16-20. (Cancelled)

UNITED 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.
12/295,531	02/24/2009	David A. Jarus	1200612N US	8206

35227 7590 08/25/2010

POLYONE CORPORATION
33587 WALKER ROAD
AVON LAKE, OH 44012

EXAMINER	
HARLAN, ROBERT D	

ART UNIT	PAPER NUMBER
1796	

MAIL DATE	DELIVERY MODE
08/25/2010	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

August 24, 2010

In re application of	:	DECISION ON REQUEST TO
David Jarus et al.	:	PARTICIPATE IN PATENT
Serial No. 12/295,531	:	PROSECUTION HIGHWAY
Filed: February 24, 2009	:	PROGRAM AND
For: WEATHERABLE POLYOLEFIN NANOCOMPOSITES	:	PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request for reconsideration to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(d), filed August 10, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof if the latest international work

product is not in the English language;

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

Conditions (1-3) and (5-7) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet condition (4). Regarding the requirement of condition (4), claims 1-14 and 16-20, while withdrawn by the applicant, remain pending in the present US application. Accordingly, not all of the claims of the present application sufficiently correspond to the claim that has novelty, inventive step, and industrial applicability in the PCT 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20111220

DATE : December 21, 2011

TO SPE OF : ART UNIT 3662

SUBJECT : Request for Certificate of Correction on Patent No.: 8013694

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

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - PK 3-910
Palm location **7590** - Tel. No. 305-8201

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

Thank You For Your Assistance **Certificates of Correction Branch**

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

☒ **Approved** **All** changes apply.

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

☐ **Denied** State the reasons for denial below.

Comments:

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

UNITED STATES 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, Bregman and Goller
PO Box 1352
Jerusalem 91013 IL ISRAEL

MAILED
JAN 30 2012
OFFICE OF PETITIONS

In re Application of	:	
Ilan Menashe	:	
Application No. 12/295665	:	ON PETITION
Filing or 371(c) Date: 10/01/2008	:	
Attorney Docket Number:	:	
HOW-R-VOU1US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 20, 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 May 19, 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). Accordingly, the date of abandonment of this application is August 20, 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 (and the submission required by 37 CFR 1.114); (2) the petition fee; and (3) a proper statement of unintentional delay.

It is noted that Applicant filed a two (2) month extension of time and fee ($280.00), with the petition. Applicant is advised that an extension of time is only available to extend the period to reply to an Office action during the extendable period. Once the reply period, including the maximum extendable period, has lapsed, the application becomes abandoned. No extensions of time are available. The application must be revived.

It is also noted that applicant's have submitted the fee for a petition to revive the application based upon unavoidable delay ($310.00). The extension of time fee has been applied to the balance of the fee due for the petition to revive based upon unintentional delay ($620.00), and the balance ($340.00) has been charged to applicant's deposit account as authorized in the Transmittal Letter filed with the application's National Stage entry on October 1, 2008.

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

The application is being referred to Technology Center AU 3736 for processing of the RCE, and for appropriate action on the Amendment by the Examiner in the normal course of business.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Wolff, Bregman and Goller
PO Box 1352
Jerusalem 91013 IL ISRAEL

MAILED
FEB 10 2012
OFFICE OF PETITIONS

In re Application of	:	
Ilan Menashe	:	DECISION VACATING
Application No. 12/295665	:	PRIOR DECISION
Filing or 371(c) Date: 10/01/2008	:	AND
Attorney Docket Number:	:	CORRECTED DECISION
HOW-R-VOU1US	:	ON PETITION

This is a corrected decision on the petition to revive the above-identified application under the unintentional provisions of 37 CFR 1.137(b), filed December 20, 2011, and supplemented February 7, 2012, with the balance of the petition fee.

The prior decision granting the petition, mailed January 30, 2012, is hereby **vacated**.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of May 19, 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). Accordingly, the date of abandonment of this application is August 20, 2010.

The Decision mailed January 30, 2012

The Decision on petition mailed January 30, 2012, noted that Petitioner's had submitted the fee for a petition to revive the application based upon unavoidable delay ($310.00). The fee for a petition to revive an application based upon an unintentionally delayed response to an Office communication is currently $930.00 for a small entity. It was noted that Applicant filed a two (2) month extension of time and fee ($280.00), with the petition. Applicant was advised that an extension of time is only available to extend the period to reply to an Office action during the extendable period. Once the reply period, including the maximum extendable period, has lapsed, the application becomes abandoned. No extensions of time are available. The application must be revived.

The Decision applied the extension of time fee to the balance of the fee due for the petition to revive based upon unintentional delay ($620.00), however, the balance ($340.00) was inadvertently charged

to the deposit account of the prior attorneys of record as authorized in the Transmittal Letter filed with the application's National Stage entry on October 1, 2008.

The balance of the petition fee was filed by petitioner on February 7, 2012.

The inadvertently charged $340.00, has been refunded to the deposit account of the prior attorneys of record.

Accordingly, the petition is granted.

The application is being referred to Technology Center AU 3736 for processing of the RCE, and for appropriate action on the Amendment by the Examiner in the normal course of business.

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

/DLW/

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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JOYCE VON NATZMER
PEQUIGNOT + MYERS LLC
200 MADISON AVENUE
SUITE 1901
NEW YORK NY 10016

MAILED
APR 19 2011
OFFICE OF PETITIONS

In re Application of	:	
Chen, Guo Jun	:	DECISION ON PETITION
Application No. 12/295,706	:	TO WITHDRAW
Filed: October 9. 2008	:	FROM RECORD
Attorney Docket No. 3024-144	:	

This is a decision on the Request to Withdraw as Attorney or Agent of Record under 37 C.F.R. § 1.36(b), filed February 14, 2011.

The request is **NOT APPROVED.**

Patent Practitioner Fariba Sirjani wishes to withdraw due to new employment with the USPTO as a Patent Examiner. The attorneys/agents in the instant application were appointed via Customer Number. The addition and/or deletion of a practitioner from the list of practitioners associated with a Customer Number may be done by submitting a corresponding "Request for Customer Number Data Change" (PTO/SB/124). As such, the request to withdraw is not the appropriate course.

A review of the attorneys/agents associated with Customer Number 46002 shows that Fariba Sirjani has been removed.

All future communications from the Office will continue to be directed to above-listed address.

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

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

PTO/SB/420 (05-10)
Approved for use through 05/31/2010. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 2832-0563PUS1	Application Number (if known): 12/295,712	Filing date: March 16, 2009
First Named Inventor: Youngjoo EO		
Title: THIN-FILM TYPE SOLAR CELL INCLUDING BY-PASS DIODE AND MANUFACTURING METHOD THEREOF		

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

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

1. By filing this petition:

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

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

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

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

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

6. Other attachments: Preliminary Amendment

Signature	Date AUG - 2 2010
Name (Print/Typed) Esther H. Chong	Registration Number 40,953

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.

Docket No.: 2832-0563PUS1
(Patent)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application of:
Youngjoo EO et al.

Application No.:	12/295,712	Confirmation No.:	1747
Filed:	March 16, 2009	Art Unit:	1795
For:	THIN-FILM TYPE SOLAR CELL INCLUDING BY-PASS DIODE AND MANUFACTURING METHOD THEREOF	Examiner:	Not Yet Assigned

STATEMENT OF SPECIAL STATUS FOR THE ELIGIBILITY REQUIREMENT UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

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

Sir:

In support of the Petition to Make Special Under the Green Technology Pilot Program, it is respectfully submitted that the basis for the requested special status is that the invention claimed in the above-identified patent application materially contributes to the development of renewable energy sources and/or green house gas emission reduction. Specifically, the claimed invention relates to a photovoltaic conversion apparatus including a by-pass solar cell module.

Additionally, by filing this petition, the applicant agrees to make an election without traverse in a telephone interview and elect an invention that meets the eligibility requirements set for 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.

It is also submitted that this application meets the eligibility requirements to participate in the Green Technology Pilot Program, as listed in the attached Petition to Make Special Under the Green Technology Pilot Program.

Accordingly, it is respectfully requested that the Petition be granted.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Seth S. Kim, Reg. No. 54,577, at the telephone number of the undersigned below to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

Dated: AUG - 2 2010

Respectfully submitted,

By _____
Esther H. Chong
Registration No.: 40953
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road, Suite 100 East
P.O. Box 747
Falls Church, VA 22040-0747
703-205-8000

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/295,712	03/16/2009	Young-Joo Eo	2832-0563PUS1	1747

2292 7590 08/17/2010
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER	
RIDLEY, BASIA ANNA	
ART UNIT	**PAPER NUMBER**
1795	

NOTIFICATION DATE	DELIVERY MODE
08/17/2010	ELECTRONIC

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

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

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

mailroom@bskb.com

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

AUG 17 2010

In re Application of	:	
Young-Joo Eo et al.	:	DECISION ON PETITION
Application No. 12/295,712	:	TO MAKE SPECIAL UNDER
Filed: October 01, 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. 2832-0563PUS1	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed August 02, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **GRANTED**.

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

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

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

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

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

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

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

MAILED

AUG 30 2011

OFFICE OF PETITIONS

In re Application of :
Tomotaka Yano et al. :
Application No. 12/295,720 : DECISION ON PETITION
Filed: October 1, 2008 :
Attorney Docket No. 1033318-000129 :

This is a decision on the petition under 37 CFR 1.59(b), filed August 16, 2011, to expunge information from the above identified application.

The petition is **dismissed**.

Petitioner requests that documents filed on May 11, 2011, be expunged from the record. A review of the record file shows no papers filed May 11, 2011. However the papers filed August 11, 2011 appear to correspond to the papers petitioner desires to expunge. Clarification of the filing date papers to be expunged is requested.

Petitioner states that the provisions of MPEP 724.05(II)(D)-(E) do not apply in this situation as the papers to be expunged are not relevant to the present application. However, MPEP 724.05(II), Information Unintentionally Submitted In Application, is directed unintentionally submitted information and does not make a distinction between papers relevant or non-relevant to the application.

The petition is deficient because there is no statement that:

(C) the information has not otherwise been made public;
(D) there is a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted.

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

Carl Friedman
Petitions Examiner
Office of Petitions

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THE RAFFERTY PATENT LAW FIRM
1952 Gallows Road
Suite 200
Vienna VA 22182-3823

MAILED

MAR 23 2011

PCT LEGAL ADMINISTRATION

In re Application of KIM
Application No.: 12/295,723
PCT No.: PCT/KR06/05094
Int. Filing: 29 November 2006
Priority Date: 31 March 2006
Attorney Docket No.: P10139US
For: MASCARA PACKAGE WITH HEATING BODY

DECISION ON

REQUEST FOR REFUND

This is a decision in response to applicant's "Request for Refund" filed in the United States Patent and Trademark Office on 17 November 2009. The Request is **DISMISSED** for the reasons that follow:

On 29 November 2006, applicant filed international application PCT/KR06/05094, which claimed a priority date of 31 March 2006 and designated the United States. The thirty month time period within which to file a national stage application under 35 U.S.C. 371 expired at midnight 30 September 2008. Thereafter, the application went abandoned for failure to pay the basic national fee by the expiration of the thirty month period.

On 01 October 2008, applicant submitted a request to entry the U.S. national stage along with a petition to revive under 37 CFR 1.137(b) and authorization to charge his deposit account.

On 10 October 2008, a decision, dismissing the petition, was mailed indicating that the petition fee was required and was not paid. An attempt to charge the petition fee to applicant's deposit account failed, due to shortage of funds.

On 17 April 2009, applicant filed a transmittal letter via facsimile, along with a credit card payment form. The amount to be charged ($1540) was insufficient; as of October 2, 2008, the petition fee for application unintentionally abandoned under 37 CFR 1.137(b) was $1620.

On 28 August 2009, applicant filed a renewed petition along with the petition fee of $810 along with an indication that the applicant was a small entity. On 02 November 2009, a decision was mailed indicating that the petition was granted. A review of the finance record reveals that the petition fee of $810 was paid using applicant's deposit account.

Applicant requests a refund of $1640, which he alleges was overpaid on his credit card on 17 April 2009. The evidence presented by applicant indicates that $1540 was paid on 21 April 2009 without indicating which application it is directed to.

Contrary to applicant's request, a review of the USPTO finance records for this application does not indicate that on 17 April 2009, the amount of $1640 was charged to applicant's credit card or deposit account. The finance records indicate that the amount of $1540 was received on 17 April 2009 and charged to applicant's credit card on 20 April 2009.

Moreover, there is no indication for a finance transaction in this application on 21 April 2009. The finance records do show that on 02 November 2009, the amount of $1540 was refunded to applicant's credit card. The evidence provided by applicant does not support the request for a further refund of either amount of $1640 or $1540. Applicant is advised to review the credit card statement for the period including 02 November 2009.

The application will be forwarded to Art Unit 3751 for examination in due course.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

Telephone: 571-272-3286

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/295,760	07/09/2010	Tony Susnjara	U 017492-2	1505

51413 7590 09/03/2010

MARC E. HANKIN, ESQ.
11414 THURSTON CIRCLE
LOS ANGELES, CA 90049

EXAMINER	
BAKER, LORI LYNN	

ART UNIT	PAPER NUMBER
3764	

NOTIFICATION DATE	DELIVERY MODE
09/03/2010	ELECTRONIC

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

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

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

marc@hankinpatentlaw.com
kevin@hankinpatentlaw.com
CourtFiling@HankinPatentLaw.com

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MARC E. HANKIN, ESQ.
11414 THURSTON CIRCLE
LOS ANGELES CA 90049

In re Application of	:	
SUSNJARA, TONY	:	DECISION ON REQUEST TO
Application No. 12/295,760	:	PARTICIPATE IN PATENT
Filed: Oct. 2, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. U 017492-2	:	PILOT PROGRAM AND PETITION
For: EXERCISE DEVICE	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the renewed requests to participate in the Patent Prosecution Highway (PPH) pilot program under 37 CFR 1.102(d), filed February 27, 2009 and March 16, 2009 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) Applicant must submit a copy of the allowable/patentable claim(s) from the IPAU 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 IPAU application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the IPAU application(s) containing the allowable/patentable claim(s);
(6) 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; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. This is to acknowledge the receipt of a list of IPAU allowed claims which correspond to the US claims. IDS listing the documents cited by the Australian examiner in the IPAU office along with copies of documents WO 1990/011802 A1 and SU 1818116 are also received. 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.

All other inquiries concerning the examination or status of the application should be directed to the Supervisory Patent Examiner, LoAn Thanh at 571-272-4966.

This application will be being forwarded to the examiner for action on the merits commensurate with this decision.

Petition is **granted**.

/Henry C. Yuen/

_____

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : May 10,2011

In re Application of :

Tony Susnjara

Application No : 12295760

Filed : 09-Jul-2010

Attorney Docket No : U 017492-2

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed May 10,2011

The request is **APPROVED.**

The request was signed by Marc E. Hankin (registration no. 38908) on behalf of all attorneys/agents associated with Customer Number 51413 . All attorneys/agents associated with Cusotmer Number 51413 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	Tony Susnjara
Name2	c/o Raymond A. DiPerna
Address 1	Ladas & Parry, LLP
Address 2	26 West 61st Street
City	New York
State	NY
Postal Code	10023
Country	US

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

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

Office of Petitions

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

Electronic Petition Request	**REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS**
Application Number	12295760
Filing Date	09-Jul-2010
First Named Inventor	Tony Susnjara
Art Unit	3751
Examiner Name	LORI BAKER
Attorney Docket Number	U 017492-2
Title	EXERCISE DEVICE

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 51413

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

10.40(b)(4)

Certifications

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

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

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

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

Name	Tony Susnjara c/o Raymond A. DiPerna
Address	Ladas & Parry, LLP 26 West 61st Street
City	New York
State	NY
Postal Code	10023
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Marc E. Hankin/
Name	Marc E. Hankin
Registration Number	38908

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/295,771	04/27/2009	Paul Frederick Field	RB13	1583

6980 7590 07/27/2011
TROUTMAN SANDERS LLP
5200 BANK OF AMERICA PLAZA
600 PEACHTREE STREET, N.E.
SUITE 5200
ATLANTA, GA 30308-2216

EXAMINER	
ANTHOPOLOS, PETER	
ART UNIT	**PAPER NUMBER**
1611	

NOTIFICATION DATE	DELIVERY MODE
07/27/2011	ELECTRONIC

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

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

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

jim.schutz@troutmansanders.com
patents@troutmansanders.com
ryan.schneider@troutmansanders.com

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JUL 27 2011

TROUTMAN SANDERS LLP
5200 BANK OF AMERICA PLAZA
600 PEACHTREE STREET, N.E.
SUITE 5200
ATLANTA, GA 30308-2216

In re Application of	:	DECISION ON REQUEST TO
PAUL FIELD	:	PARTICIPATE IN PATENT
Application No. 12/295,771	:	PROSECUTION HIGHWAY
Filed: April 27, 2009	:	PROGRAM AND PETITION
Attorney Docket No. RB13	:	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 May 25, 2011, to make the above-identified application special.

The request and petition are **DENIED**.

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

(1) The U.S. application 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 with UKIPO, or (ii) validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims, or (b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application (i) validly claims priority under 35 U.S.C. 365(b) to an application filed with UKIPO, or (ii) validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or (iii) contains no priority claim, or (c) a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application (i) validly claims priority under 35 U.S.C. 365(b) to an application filed with UKIPO, or (ii) validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or (iii) contains no priority claim;
(2) The UKIPO application(s) has at least one claim that was determined by UKIPO to be allowable;
(3) All the claims in each U.S. application for which a request for participation in the PPH pilot program is made must sufficiently correspond or be amended to sufficiently correspond to the allowable claims in the UKIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions (which are relevant to patentability) from each of the UKIPO application(s) containing the allowable claims that are the basis for the request;

(6) Applicant must submit a copy of the allowable claims from the UKIPO application(s);
(7) Applicant must submit a claim correspondence table; and
(8) Applicant must submit an information disclosure statement (IDS) listing the documents cited by the UKIPO examiner in the UKIPO office action (unless such an IDS has already been filed in the U.S. application).

The request to participate in the PPH program and petition fails to comply with the requirement because:

Examination of the U.S. application has begun.

Telephone inquiries concerning this decision should be directed to Cecilia Tsang at 571-272-0562.

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

Cecilia Tsang
Supervisory Patent Examiner
TC 1600

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/295,861	04/20/2009	Youn-Sung Chu	0630-3578PUS1	2476

2292 7590 04/19/2011

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

EXAMINER	
COPPOLA, JACOB C	
ART UNIT	**PAPER NUMBER**
3621	

NOTIFICATION DATE	DELIVERY MODE
04/19/2011	ELECTRONIC

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

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

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

mailroom@bskb.com

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APR 18 2011

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

In re application of:	:	**DECISION ON REQUEST TO**
CHU, Youn-Sung, et. al	:	**PARTICIPATE IN PATENT**
Application No.: 12/295,861	:	**PROSECUTION HIGHWAY**
Filed: April 20, 2009	:	**PROGRAM AND PETITION**
For: METHOD FOR SHARING RIGHTS OBJECT IN DIGITAL RIGHTS MANAGEMENT AND DEVICE THEREOF	:	**TO MAKE SPECIAL UNDER 37 C.F.R. 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program between the USPTO and the KIPO and the petition under 37 C.F.R. § 1.102(d), filed December 28, 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in this PPH program and petition to make special, at the date of the request, require:

(1) The U.S. application must validly claim priority under 35 USC 119(a) to one or more applications filed in the KIPO;

2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO 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 claims in the KIPO application(s);

(4) Examination of the U.S. application for which participation in the PPH program is requested has not begun;

(5) Applicant must submit a copy of the latest Office action from each of the KIPO 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 KIPO examiner in the KIPO Office action along with copies of documents except U.S. patents or U.S. patent application publications.

The supporting documents supplied with the petition fail to clearly satisfy items (3) and (5) above.

With respect to item (3) above and sufficient claim correspondence , note that while applicant has improved the form of the claims with the amendment filed December 28, 2010, differences in scope exist. Instant claim 35 recites that the request message includes merely "at least one of" the list of parameters, while claim 1 appearing in the "English Translation of Korean Patented claims" filed with the petition requires that the specific information includes at least the entire list of parameters. Further, patented claim 1 calls for "delivering by the first device the received second RO to the second device", while instant claim 35 may perform "an Ad Hoc sharing RO" between devices that does not explicitly require "delivering" of the second RO to the second device by the first device. Also, the request message in patented claim 1 is a request for the RI to generate a second RO. Instant claim 35 merely recites that the message merely requests a new RO, thus indicating that the RI/server need not be the entity performing the generation of the RO. Finally, instant claim 44 introduces an apparatus claim where the patented claims are only directed to methods. Apparatus claim 44 makes use of functional language to describe what the device is configured to do. This raises further issues of expanded breadth with respect to the recited sending, receiving and delivery of messages. Thus, in light of the expanded breadth appearing in instant claims 35 and 44 compared to patented claim 1, the claims do not sufficiently correspond.

With respect to item (5), while applicant has provide copies and translations of KIPO Office actions with the petition, the "Allowance of Patent" action, directed to application number 10-2006-0062220, only appears to indicate that claim 16 is allowed. No claim 16 appears in the listing of claims labeled "English Translation of Korean Patented claims" provided with the petition. As a result, the Office actions provided do not appear to support the allowability of the instant claims nor correspond to the Korean patented claims provided.

Since the request for participation in the PPH program does not meet all the requirements set forth above, the request and petition are **DISMISSED**. Applicant is given one opportunity to perfect the request in a renewed request for participation.

Note that action on the application by the examiner will NOT be suspended (37 CFR 1.103) awaiting a reply by the applicant to perfect the request in a renewed request for participation. That is, if the application is picked up for examination by the examiner after applicant has been notified of the defects in the request, any renewed request will be dismissed.

If the renewed request is perfected and examination has not begun, the request and special status will be granted, applicant will be notified and the U.S. application will be advanced out of turn for examination. If not perfected, applicant will be notified and the application will await action in its regular turn.

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

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

Robert Weinhardt
Business Practice Specialist
Technology Center 3600

RW/4/15/11

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DEC 16 2011
OFFICE OF PETITIONS

In re Application of
Youn-Sung CHU et al.
Application No.: 12/295,861
Filed: October 02, 2008
Attorney Docket No.: 0630-3578PUS1
For: METHOD FOR SHARING RIGHTS OBJECT IN DIGITAL RIGHTS MANAGEMENT AND DEVICE THEREOF

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

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and on the petition under 37 CFR 1.102(a), filed May 17, 2011 to make the above-identified application special.

The request and petition are **DENIED**.

Discussion

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

1. The U.S. application is
    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or
        ii. validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims,

    or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
        ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
        iii. contains no priority claim,

    or

   c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
      i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
      ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
      iii. contains no priority claim;
2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the KR application(s);
   b. An English translation of the allowable/patentable claim(s), and
   c. A statement that the English translation is accurate (if the claims were published in a language other than English);
3. Applicant must:
   a. Ensure that all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KR application(s), and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
   b. An English language translation of the KIPO office action; and
   c. A statement that the English translation is accurate (if the office actions are not in the English language);
6. Applicant must submit:
   a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and
   b. Copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application);

This request to participate in the PPH program and petition is assessed as follows:

Requirements (1-2) and (4-6) above are considered to have been met. However the renewed request to participate in the PPH program fails to meet requirement (3).

Regarding requirement (3), applicant has failed to ensure that the claims in the U.S. application sufficiently correspond to the allowable/patentable claims in the KR application. Specifically, while applicant has amended the claims with the instant renewed request filed May 17, 2011, differences exist. Allowable/patentable claim 1 in the KR application calls for "delivering by the first device the received second RO to the second device", while instant claim 35 may perform "an Ad Hoc sharing RO" between devices that does not explicitly require "delivering" of the second RO to the second device by the first device. Also, the request message in Allowable/patentable claim 1 in the KR application is a request for the RI to generate a second RO. Instant claim 35 merely recites that the message merely requests a new RO "to be generated

by an upgrade of an existing RO," thus indicating that the RI/server need not be the entity performing the generation of the RO. Thus, in light of the expanded breadth appearing in instant claim 35, compared to the allowable/patentable claim 1 in the KR application, the claims do not sufficiently correspond.

Accordingly, as the renewed request has not been perfected, the request and petition are **DENIED.** The application will await action in its regular turn.

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

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.

Anthony Knight
Director,
Office of Petitions

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

MAILED

JUL 26 2011

OFFICE OF PETITIONS

In re Application of :
Akihiro Takemura et al. :
Application No. 12/295,872 : DECISION ON PETITION
Filed: August 13, 2009 :
Attorney Docket No. 332415US0PCT :

This is a decision on the request to remove a letter, filed May 10, 2010, which is being treated as a petition under 37 CFR 1.59(b) to expunge information from the above identified application.

The petition is **dismissed**.

Petitioner requests that the letter filed on May 7, 2010 be expunged from the record. Petitioner indicates the letter was inadvertently filed in this application.

The petition is deficient because there is no statement that:

(B) the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted;
(C) the information has not otherwise been made public;
(D) there is a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted.

Petitioner is directed to MPEP 724.05(II).

The petition fee has been charged to petitioner's deposit account.

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

Carl Friedman
Petitions Examiner
Office of Petitions

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ALEXANDRIA VA 22314

MAILED
AUG 19 2011
OFFICE OF PETITIONS

In re Application of :
Akihiro Takemura et al. :
Application No. 12/295,872 : DECISION ON PETITION
Filed: August 13, 2009 :
Attorney Docket No. 332415US0PCT :

This is a decision on the renewed request to remove a letter, filed August 9, 2011, which is being treated as a petition under 37 CFR 1.59(b) to expunge information from the above identified application.

The renewed petition is **dismissed**.

Petitioner requests that the letter filed on May 7, 2010 be expunged from the record. Petitioner indicates the letter was inadvertently filed in this application.

The renewed petition is deficient because there is no statement that:

(B) the information submitted was unintentionally submitted **and** the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted;
(D) there is a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted.

Petitioner is directed to MPEP 724.05(II).

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

Carl Friedman
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 01/30/11

TO SPE OF : ART UNIT 3617

SUBJECT : Request for Certificate of Correction for Appl. No.: 12295886 Patent No.: 7849809

CofC mailroom date: 01/03/11

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

Certificates of Correction Branch

703-756-1814 _____

Thank You For Your Assistance

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

Note your decision on the appropriate box.

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

Comments: _____

_____

_____

_____

_____

_____ 3617

SPE **Art Unit**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/295,891	10/03/2008	Oliver Kappler	61163US004	2754

32692 7590 10/24/2011

3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427

EXAMINER	
MAI, HAO D	

ART UNIT	PAPER NUMBER
3732	

NOTIFICATION DATE	DELIVERY MODE
10/24/2011	ELECTRONIC

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

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LegalUSDocketing@mmm.com

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3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL MN 55133-3427

In re Application of:
KAPPLER, OLIVER et al
Serial No.: 12/295,891
Filed: Oct. 3, 2008
Docket: 61163US004
Title: DENTAL INSTRUMENT AND METHOD OF USE

DECISION ON PETITION

This is a decision on the petition filed on September 8, 2011 seeking to withdraw the finality of the Office action of July 8, 2011 in accordance with MPEP 706.07(d). The petition is being considered pursuant to 37 CFR § 1.181 and no fee is required for the petition.

The petition is **DISMISSED**.

The petitioner requests withdrawal of the finality of the Office action mailed July 8, 2011. The petitioner believes that the final rejection of July 8, 2011 was not necessitated by the applicant's amendment filed on May 24, 2011. In particular, petitioner asserts that the amendment to the claims were merely to correct typographical errors or matters of form. The petitioner therefore asserts that the new grounds of rejection were not necessitated by the amendment of May 24, 2011.

The relevant record shows that:

1. Original claims and a preliminary amendment of the claims were submitted on October 3, 2008.
2. A non-final rejection was made on February 24, 2011. Claims 17-21 and 24, which depend from independent claim 1, were rejected over Boston (6,347,941) in view of Yamaki (4,712,266). Claim 22, which depends from claim 17, was rejected over Boston in view of Yamaki and further in view of Phenegar (4,829,621).

3. Amendments to the claims were submitted on 05/24/2011. In the amendments, the applicant incorporated now cancelled dependent claims 2 and 3 into the newly amended claim 1. The dependent claims 17-21, 22 and 24 had not previously depended from cancelled claims 2 and 3. This amendment effectively changed the scope of dependent claims 17-21, 22 and 24.
4. In response, a final rejection was issued on July 8, 2011. Claims 17-21 and 24, which depend from the newly amended independent claim 1, were rejected over Boston in view of Coopersmith (7,806,125). Claim 22, which depends from claim 17, was rejected over Boston in view of Coopersmith and further in view of Phenegar.
5. On September 9, 2011, a petition requesting withdrawal of the finality of the rejection of July 8, 2011 was submitted.

Discussion and Analysis

In this petition, petitioner asserts that the finality of the July 8, 2011 Office action was improper because the final rejection was not necessitated by the amendment filed on May 24, 2011. In the petition, the petitioner asserts that the rejection of claims 17-21, 22 and 24 made on July 8, 2011 was not necessitated by amendment and that the finality of the rejection should be withdrawn. The petition states that the amendments to the claims submitted on May 24, 2011 were made only to correct typographical errors or matters of form and could not have necessitated new grounds of rejection. The petition notes that amendments were made to claims 21, 22 and 24. These amendments can be considered corrections of typographical errors and matters of form. However, the petitioner does not address the amendments made to independent claim 1, which claims 17-22 and 24 depend from.

In order to determine whether or not the amendment filed May 24, 2011 necessitated the new grounds of rejection in the final Office action of July 8, 2011, a comparison and analysis of at least the claims filed on October 3, 2008 and the current amended claims of May 24, 2011 must be made. The amendments made to claim 1 on May 24, 2011 were more than simply corrections of typographical errors or matters of form. In particular, the amendments to claim 1 added element (b), which is recited as "a handle portion which can be grasped by a user to scrape the scraping elements over a tooth surface." This element was not previously included in the scope of independent claim 1 and dependent claims 17-22 and 24. Therefore, when the non-final rejection of claims 17-22 and 24 was made, the rejection did not address element (b). However, when the scope of claims 1, 17-22 and 24 was changed by the addition of element (b), the rejection of claims 17-22 and 24 was changed to include reference Coopersmith, instead of reference Yamaki. The Coppersmith patent has the same handle as the primary reference, the Boston patent. In other words, the use of reference Coopersmith in the rejection of claims 17-22 and 24 was necessitated by the amendment which added element (b) to independent claim 1, thereby changing the scope of dependent claims 17-22 and 24. This evidences new grounds of rejection that were in fact necessitated by the applicant's amendment filed on May 24, 2011. Therefore, the final rejection is proper and in compliance with M.P.E.P. § 706.07(a)[1].

[1] Relevant portion of MPEP § 706.07(a): Final Rejection, When Proper on Second Action, states: 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).

The review of the record shows that the examiner was in compliance with proper examining practice as set forth in M.P.E.P. § 706.07(a). The claim amendment presented on May 24, 2011 necessitated the new grounds of rejection as promulgated in the final Office action issued on July 8, 2011. The examiner's finality of the Office action is correct. Therefore, the relief requested by petitioner cannot be granted by petition.

Conclusion

For the foregoing reasons, the relief requested by petitioner will not be granted. The examiner's finality of the Office action dated July 8, 2011 is appropriate.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision, 37 CFR 1.181(f). The mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings. No extension of time under 37 CFR 1.136(a) is permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181". Any inquiry regarding this decision should be directed to Josie Ballato, Special Programs Examiner, at (571) 272-3567.

Accordingly, the petition is dismissed.

Angela D. Sykes, Director
Technology Center 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Patent No. : 8,073,662 B2
Ser. No. : 12/295,894
Inventor(s) : Momose et al.
Issued : Dec. 6, 2011
Title : DESIGN SUPPORT METHOD ,DESIGN SUPPORT SYSTEM, AND DESIGN SUPPORT PROGRAM FOR HEAT CONVECTION FIELD
Docket No. : 45079.1
Re: Request for Certificate of Correction

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

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

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

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

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

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

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

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

By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(703) 872-9306 ATTN: Office of Petitions

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

PETER K. TRZYNA, ESQ.
P O BOX 7131
CHICAGO, IL 60680

MAILED

AUG 18 2010

OFFICE OF PETITIONS

In re Application of :
Ryan et al. :
Application No. 12/295,976 :
Filed: March 16, 2009 :
Attorney Docket No. Ryan-US-P2-06 :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 30, 2010.

The request is **NOT APPROVED**.

The Office strongly encourages practitioner(s) requesting withdrawal from representation as practitioner of record in an application to review the record to determine whether he or she is, in fact, of record and how he or she was made of record. For example, the practitioner(s) should determine whether he or she was appointed by naming each practitioner individually or through the use of a Customer Number.

In the instant application, the practitioner(s) were appointed via Registration Number however the request does not indicate a Registration Number. In view of the above, practitioners must withdraw as attorney of record in the same manner as appointed; therefore current request cannot be approved. Any subsequent request must withdraw all associated practitioner(s) in the same manner as appointed.

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

There are no outstanding Office actions that require a reply.

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

MAILED

SEP 17 2010

OFFICE OF PETITIONS

PETER K. TRZYNA, ESQ.
P O BOX 7131
CHICAGO, IL 60680

In re Application of	:	
Ryan et al.	:	DECISION ON PETITION
Application No. 12/295,976	:	TO WITHDRAW
Filed: March 16, 2009	:	FROM RECORD
Attorney Docket No. Ryan-US-P2-06	:	

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 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 Peter K. Trzyna, on behalf of the practitioners of record.

Peter K. Trzyna has been withdrawn from record. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

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

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

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: RAYMOND B. RYAN
30 OLD KINGS HIGHWAY SOUTH, SUITE 250
DARIEN, CT 06820

UNITED 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
12/295,976	03/16/2009	Raymond B. Ryan	Ryan-US-P2-06

CONFIRMATION NO. 3379

28710
PETER K. TRZYNA, ESQ.
P O BOX 7131
CHICAGO, IL 60680

POWER OF ATTORNEY NOTICE

OC00000004357622

Date Mailed: 09/16/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/26/2010.

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

/atkelley/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED

FEB 14 2011

OFFICE OF PETITIONS

In re Application of	:	
Mohamed I. MASOUD	:	
Application No. 12/296,086	:	DECISION ON PETITION
Filed: May 08, 2009	:	
Attorney Docket No. 36329-002N01US	:	

This is a decision on the petition, filed October 15, 2010, which is being treated as a petition under 37 CFR 1.8(b) (no fee), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition under 37 CFR 1.8(b) is **GRANTED**.

This application was held abandoned for failure to timely respond to the Office action of April 01, 2010, which set a three (3) month shortened statutory period for reply. Accordingly, a reply was due on or before July 01, 2010.

Petitioner asserts that the abandonment be withdrawn as petitioner timely filed a response to the non-final Office action mailed, April 01, 2010. A review of the Office records indicates that the response was timely filed with a three (3) month extension of time on October 01, 2010, which makes the reply timely filed.

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

The application file is being referred to Technology Center AU 1649 for appropriate action on the concurrently filed amendment.

Thurman Page
Petitions Examiner
Office of Petitions

Doc Code: PET.RELIEF
Document Description: Certification and Request for Disaster Relief

PTO/SB/425 (03-11)

CERTIFICATION AND REQUEST FOR RELIEF DUE TO EVENTS OF MARCH 11, 2011, IN JAPAN (Page 1 of 2)

Nonprovisional Application Number or Control Number (if applicable):	Patent Number (if applicable):
12/296,213 (Confirmation No. 5410)	
First Named Inventor:	**Title of Invention:**
Minoru TAKIZAWA	Lipolysis Stimulator

APPLICANT/PATENTEE/REEXAMINATION PARTY HEREBY CERTIFIES AND REQUESTS THE FOLLOWING FOR THE ABOVE-IDENTIFIED APPLICATION/PATENT/REEXAMINATION PROCEEDING.

1. FOR PATENT APPLICATIONS AND REEXAMINATION PROCEEDINGS PENDING IN THE USPTO AS OF MARCH 11, 2011, IN WHICH A COMMUNICATION FROM THE USPTO IS SOUGHT TO BE REMAILED:

   a. One or more inventors, an assignee, or a correspondence address (for the application/proceeding) is in an area of Japan affected by the earthquake and/or tsunami of March 11, 2011.

   b. A reply or response to an Office action (final, non-final, or other), a notice of allowance, or other Office notice (hereinafter collectively referred to as "Office communication") is outstanding on March 11, 2011.

   c. The statutory or non-statutory time period set for response has not yet expired.

   d. Withdrawal and reissuance of the Office communication is requested.

   e. It is acknowledged that if this request is not made within sufficient time so that withdrawal and reissuance of the Office communication occur prior to expiration of the statutory or non-statutory time period (as permitted to be extended under 37 CFR 1.136(a), or as extended under 37 CFR 1.550(c) or 1.956), this request may not be granted.

   f. The need for the reissuance of the Office communication was due to the effects of the earthquake and/or tsunami of March 11, 2011.

   g. This request is being sent via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

2. FOR PATENTEES WHO WERE UNABLE TO TIMELY PAY A PATENT MAINTENANCE FEE DURING THE SIX-MONTH GRACE PERIOD FOLLOWING THE WINDOW TO PAY THE MAINTENANCE FEE:

   a. The original window of time to pay the maintenance fee without the surcharge required by 37 CFR 1.20(h) expired on or after March 11, 2011.

   b. The delay in paying the fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.

   c. The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(h) for paying a maintenance fee during the six-month grace period following the window to pay the maintenance fee.

   d. This request and payment of the maintenance fee during the six-month grace period following the window to pay the maintenance fee is being mailed to: Director of the United States Patent and Trademark Office, Attn: Maintenance Fee, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314; or being transmitted via facsimile to: 571-273-6500.

CERTIFICATION AND REQUEST FOR RELIEF DUE TO EVENTS OF MARCH 11, 2011, IN JAPAN (Page 2 of 2)

3. FOR PATENTEES WHO NEED TO FILE A PETITION TO ACCEPT A DELAYED MAINTENANCE FEE PAYMENT UNDER 37 CFR 1.378(c):

   a. The maintenance fee payment was required to have been paid after March 10, 2011.

   b. A petition under 37 CFR 1.378(c) (using USPTO form PTO/SB/66 – Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(c))) is being promptly filed accompanied by the applicable maintenance fee payment (but not the surcharge under 37 CFR 1.20(i)).

   c. The delay in payment of the maintenance fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.

   d. The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(i) for accepting a delayed maintenance fee payment.

   e. It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed by March 11, 2012, in order to be entitled to a waiver of the surcharge under 37 CFR 1.20(i).

   f. It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed within twenty-four months from the expiration date of the patent. *See* 35 U.S.C 41(c).

   g. This request and the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) is being submitted via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

4. FOR NONPROVISIONAL PATENT APPLICATIONS FILED WITHOUT AN EXECUTED OATH OR DECLARATION OR PAYMENT OF THE BASIC FILING FEE, SEARCH FEE, AND/OR EXAMINATION FEE:

   a. The nonprovisional patent application was filed on or after March 11, 2011, and prior to April 12, 2011.

   b. The late filing of the oath or declaration or the basic filing fee, search fee, or examination fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.

   c. The USPTO is requested to *sua sponte* waive the surcharge set forth in 37 CFR 1.16(f) for the late filing of the oath or declaration or basic filing fee, search fee, and/or examination fee.

   d. This request, together with the executed oath or declaration or the basic filing fee, search fee, or examination fee, as well as the reply to the Notice to File Missing Parts, is being submitted via EFS-Web or by mail directed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature Chenghua Luo	Date June 2, 2011
Name (Print/Typed) Chenghua Luo	Practitioner Registration Number 53,247

Note: *Signatures of all the inventors, § 1.41(b) applicants, or assignees of record of the entire interest or their representative(s), or reexamination requesters at the appeal stage are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.*

☒ *Total of 1 forms are submitted.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

MAILED
JUN 07 2011
OFFICE OF PETITIONS

In re Application of	:	
Takizawa et al.	:	
Application No. 12/296,213	:	DECISION ON PETITION
Filed: December 30, 2008	:	
Attorney Docket No. 2537.0160000/MAC	:	

This is a decision on the request filed June 2, 2011, seeking relief under the provisions of "Relief Available to Patent and Trademark Applicants, Patentees and Trademark Owners Affected by the Catastrophic Events of March 11, 2011 in Japan," 1365 Off. Gaz. Pat. Office 170 (April 19, 2011).

The request for relief is **GRANTED**.

In the above-identified application, an Office action was mailed on February 2, 2011. The instant petition was filed prior to the expiration of the period for reply and the certifications for granting of relief are considered to be met by the submission of the request.

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

This application is being referred to the Technology Center, Art Unit 1655 for re-mailing the Office action of February 2, 2011. The period for reply will run from the mailing date of the Office action.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/296,232	01/13/2009	Kotaro Takita	Q110372	5597

23373 7590 07/19/2011

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

EXAMINER	
THROWER, LARRY W	

ART UNIT	PAPER NUMBER
1742	

NOTIFICATION DATE	DELIVERY MODE
07/19/2011	ELECTRONIC

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

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

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

sughrue@sughrue.com
PPROCESSING@SUGHRUE.COM
USPTO@SUGHRUE.COM

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

wk

JUL 19 2011

Mailed:

In re application of	:	
Takita et al.	:	DECISION ON
Serial No. 12/296,232	:	PETITION
Filed: January 13, 2009	:	

For: **MULTI-LAYER, MICROPOROUS POLYOLEFIN MEMBRANE, ITS PRODUCTION METHOD, BATTERY SEPARATOR, AND BATTERY**

This is a response to Applicants Petition filed on June 3, 2011 under 37 C.F.R. 1.182. The petition has been forwarded to Technology Center 1700 from the petitions area for consideration and will be evaluated under 37 CFR 1.181.

Petitioner requests withdrawal of the Advisory Action dated June 3, 2011; entry of the Declarations under 37 C.F.R. 1.132 filed on November 19, 2010 and March 22, 2011 and that the Declaration signed by only one inventor be found to be sufficient to establish that the disclosure relied upon by the Examiner in a reference is by the same inventive entity as the present application. Petitioner further requests that the statutory six month date be extended from the date of the Final Office Action.

The application has two inventors. The Declaration filed on November 19, 2010 was only executed by Mr. Kikuchi because Mr. Takita is deceased. Mrs. Takita on March 22, 2011 executed a Rule 132 Declaration, along with a Supplemental Declaration and Power of Attorney, in order to make Mr. Takita's death of record and to establish Mrs. Takita as the heir and legal representative of Mr. Takita's estate.

DECISION

The Petition is **GRANTED-IN-PART**.

The Advisory Action dated June 3, 2011 is not withdrawn. The statutory six month response date from the Final Office Action cannot be extended

Serial Number: 12/296,232

The Examiner is directed to enter the Declarations filed November 19, 2010 and March 22, 2011 and to consider them in view of the art rejection of record. The signature requirement requiring that the Declaration be executed by the joint inventors is waived.

/W. GARY JONES/
Director, Technology Center 1700
Chemical and Materials Engineering

Debodhonyaa Sengupta, Ph.D.
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BEEM PATENT LAW FIRM
53 W. JACKSON BLVE., SUITE 1352
CHICAGO, IL 60604-3787

MAILED
JUL 05 2011
OFFICE OF PETITIONS

Applicant: Sladojevic, et al.
Appl. No.: 12/296,241
International Filing Date: March 28, 2007
Title: A SIDEFORM END SEAL OR CAP
Attorney Docket: 0388-0001
Pub. No.: US 2010/0155571 A1
Pub. Date: June 24, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on July 1, 2010, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error wherein the preliminary amendment filed with the application on October 6, 2008, was not included in the publication.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The requirements for inclusion of an amendment in a patent application publication are set forth in 37 C.F.R. § 1.215. § 1.215(a) states that the patent application publication may also be based upon amendments to the specification (other than the abstract or the claims) that are reflected in a substitute specification under § 1.125(b), amendments to the abstract under § 1.121(b), amendments to the claims that are reflected in a complete claim listing under § 1.121(c), and amendments to the drawings under §1.121(d), provided that such substitute specification or amendment is submitted in sufficient time to be entered into the Office file wrapper of the application before technical preparations for publication of the application have begun. (emphasis added) § 1.215(c) states that applicant may file an amended copy of the application for publication purposes, but such amendments, including a substitute

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

specification, must be submitted in compliance with the Office electronic filing system requirements, and within one month of the mailing date of the first Office communication that includes a confirmation number for the application, or fourteen months of the earliest filing date for which a benefit is sought under title 35, United States Code, whichever is later.

The error noted by requestor with respect to the preliminary amendment is not an Office error. The patent application publication does not include a mistake regarding the failure to include the preliminary amendment to the specification because patent application publications are not required to include preliminary amendments. See 37 CFR 1.215(a). The "failure to include an amendment is not an Office error." See MPEP 1130(b). The publication accurately reflected the specification as filed.

Applicant is reminded of his duty to conduct a reasonable inquiry before filing a paper before the Office. See MPEP 410.

Applicants' request for a corrected patent application publication on July 1, 2010, may constitute a "failure to engage in reasonable efforts to conclude processing or examination of the application." See 1.704(c). This determination will be made on or after a mailing of a Notice of Allowance.

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

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

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp
OR
http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication".

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/296,242	01/13/2009	Kotaro Takita	Q110364	5755

23373 7590 07/19/2011

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

EXAMINER	
THROWER, LARRY W	
ART UNIT	PAPER NUMBER
1742	

NOTIFICATION DATE	DELIVERY MODE
07/19/2011	ELECTRONIC

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

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

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

sughrue@sughrue.com
PPROCESSING@SUGHRUE.COM
USPTO@SUGHRUE.COM

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JUL 19 2011 wk

Mailed:

In re application of	:	
Takita et al.	:	DECISION ON
Serial No. 12/296,242	:	PETITION
Filed: January 13, 2009	:	

For: **MULTI-LAYER, MICROPOROUS POLYOLEFIN MEMBRANE, ITS PRODUCTION METHOD, BATTERY SEPARATOR, AND BATTERY**

This is a response to Applicants Petition filed on June 3, 2011 under 37 C.F.R. 1.182. The petition has been forwarded to Technology Center 1700 from the petitions area for consideration and will be evaluated under 37 CFR 1.181.

Petitioner requests withdrawal of the Advisory Action dated June 2, 2011; entry of the Declarations under 37 C.F.R. 1.132 filed on November 19, 2010 and March 22, 2011 and that the Declaration signed by only one inventor be found to be sufficient to establish that the disclosure relied upon by the Examiner in a reference is by the same inventive entity as the present application. Petitioner further requests that the statutory six month date be extended from the date of the Final Office Action.

The application has two inventors. The Declaration filed on November 19, 2010 was only executed by Mr. Kikuchi because Mr. Takita is deceased. Mrs. Takita on March 22, 2011 executed a Rule 132 Declaration, along with a Supplemental Declaration and Power of Attorney, in order to make Mr. Takita's death of record and to establish Mrs. Takita as the heir and legal representative of Mr. Takita's estate.

DECISION

The Petition is **GRANTED-IN-PART**.

The Advisory Action dated June 2, 2011 is not withdrawn. The statutory six month response date from the Final Office Action cannot be extended

The Examiner is directed to enter the Declarations filed November 19, 2010 and March 22, 2011 and to consider them in view of the art rejection of record. The signature requirement requiring that the Declaration be executed by the joint inventors is waived.

/W. GARY JONES/
Director, Technology Center 1700
Chemical and Materials Engineering

Debodhonyaa Sengupta, Ph.D.
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

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: 65504-002US1	Application Number (if known): 12/296,300	Filing date: October 7, 2008

First Named Inventor: Sean Dennis Simpson

Title: Microbial Fermentation of Gaseous Substrates to Produce Alcohols

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

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

1. By filing this petition:

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

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

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

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

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

6. Other attachments: Preliminary Amendment; Statement Regarding Publication

Signature	Date 10/12/2010
Name (Print/Typed) Faustino A. Lichauco	Registration Number 41,942

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 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.

Attorney Docket No.: 65504-002US1
Client Ref. No.: SHR 507139USPR

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Sean Dennis Simpson et al.	Art Unit	: 1657
Serial No.	: 12/296,300	Examiner	: Not yet assigned
Filed	: October 7, 2008	Conf. No.	: 6446
Title	: Microbial Fermentation of Gaseous Substrates to Produce Alcohols		

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

STATEMENT OF SPECIAL STATUS FOR ELIGIBILITY REQUIREMENT

Applicant requests that this application be made special pursuant to the Pilot Program for Green Technologies as set forth in the Federal Register.[1]

The invention is believed to be eligible for the Pilot Program because of its material contribution to the development of renewable energy resources and the reduction of greenhouse gas emissions, specifically the generation of fuel alcohols from carbon monoxide (CO) via a fermentation process and the reduction of greenhouse gases produced during the fermentation processes.

CO, a component of waste gases produced by some industrial processes, is an abundant and cost effective carbon source for generating alcohols (e.g., fuel ethanol). Fermentation of CO to alcohols by microorganisms offers several advantages over catalytic methods. However, such fermentation processes produce acetate, which the microorganisms convert to methane, a major greenhouse gas.

The present application provides a CO-based fermentation process that recovers the acetate produced during the process and utilizes it as a substrate to generate more alcohols. This process recycles CO from waste gases, improves the efficiency of alcohol production by fermentation, and reduces the emission of greenhouse gases that would ordinarily result from fermentation. Accordingly, the subject matter of this application plays a material role in the development of renewable energy resources and the reduction

[1] 74 Fed. Reg. 234 (December 8, 2009), page 64666 et seq., and 75 Fed. Reg. 98 (May 21, 2010).

of greenhouse gas emissions. Applicant therefore requests that examination be accelerated under the Pilot Program.

Pursuant to the requirements of the Pilot Program, please apply the $300 publication fee to Deposit Account No. 50-4189, referencing Attorney Docket No. 65504-002US1.

Respectfully submitted,

Date: October 12, 2010

Faustino A. Lichauco
Reg. No. 41,942

Customer No. 69713
Occhiuti Rohlicek & Tsao LLP
10 Fawcett Street
Cambridge, MA 02138
Telephone: (617) 500-2533
Facsimile: (617) 500-2499

Attorney Docket No.: 65504-002US1
Client Ref. No.: SHR 507139USPR

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Sean Dennis Simpson et al.	Art Unit	: 1657
Serial No.	: 12/296,300	Examiner	: Not yet assigned
Filed	: October 7, 2008	Conf. No.	: 6446
Title	: Microbial Fermentation of Gaseous Substrates to Produce Alcohols		

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

STATEMENT REGARDING PUBLICATION

This application was published on August 13, 2009 as U.S. Publication No. US-2009-0203100-A1. Pursuant to the requirements of the Pilot Program for Green Technologies, please apply the $300 publication fee to Deposit Account No. 50-4189, referencing Attorney Docket No. 65504-002US1.

Respectfully submitted,

Date: October 12, 2010

Faustino A. Lichauco
Reg. No. 41,942

Customer No. 69713
Occhiuti Rohlicek & Tsao LLP
10 Fawcett Street
Cambridge, MA 02138
Telephone: (617) 500-2533
Facsimile: (617) 500-2499

UNITED 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.
12/296,300	04/17/2009	Sean Dennis Simpson	65504-002US1	6446

69713 7590 10/18/2010
OCCHIUTI ROHLICEK & TSAO, LLP
10 FAWCETT STREET
CAMBRIDGE, MA 02138

EXAMINER	
LILLING, HERBERT J	

ART UNIT	PAPER NUMBER
1657	

NOTIFICATION DATE	DELIVERY MODE
10/18/2010	ELECTRONIC

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

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

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

INFO@ORTPATENT.COM

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P.O. Box 1450
Alexandria, VA 22313-1450
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OCT 1 8 2010

OCCHIUTI ROHLICEK & TSAO, LLP
10 FAWCETT STREET
CAMBRIDGE MA 02138

In re Application of	:	
SIMPSON, Sean	:	DECISION ON PETITION
Application No. 12/296300	:	TO MAKE SPECIAL UNDER
Filed: April 17, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 65504-002US1	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed October 12, 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 Manjunath Rao at 571-272-0939.

The application is being forwarded to the Technology Center Art Unit 1657 for action on the merits commensurate with this decision.

/Manjunath Rao/

Manjunath Rao
Supervisory Patent Examiner
Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

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ALEXANDRIA, VA 22313-1450
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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

MAILED
JUN 28 2011
OFFICE OF PETITIONS

In re Patent No. 7949093	:	
Issue Date: 05/24/2011	:	
Application No. 12/296383	:	ON PETITION
Filed: 10/07/2008	:	
Attorney Docket No. Q110368	:	

This is a decision on the petition under 37 CFR 3.81(b) filed May 13, 2011.

Patentees request correction of the front page of the Letters Patent to include the correct assignee data via Certificate of Correction. With the present request, patentees submitted a completed Certificate of Correction form and paid the requisite fees. Furthermore, it is noted that the assignment was recorded with the USPTO prior to the issuance of the patent.

In view of the above, the request under 37 CFR 3.81(b) to correct the assignee data is GRANTED.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3211. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction as to the assignment information.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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DAVIS WRIGHT TREMAINE, LLP/SEATTLE
1201 THIRD AVENUE, SUITE 2200
SEATTLE, WA 98101-3045

MAILED
FEB 10 2011
OFFICE OF PETITIONS

In re Application of
Charles Dominic Bugni
Application No. 12/296,419
Filed: October 7, 2008
Attorney Docket No. 85296-001US2

DECISION ON PETITION
TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 12, 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 Davis Wright Tremaine, LLP/Seattle was revoked by the applicant of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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: Charles Dominic Bugni
530 Taylor Rd.
Cle Elum WA 98922

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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Decision Date : February 1, 2012

In re Application of :

Babette Aicher

Application No : 12296427

Filed : 13-Oct-2009

Attorney Docket No : VOPA131935

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed February 1, 2012

The request is **APPROVED.**

The request was signed by Tineka J. Quinton (registration no. 53496) on behalf of all attorneys/agents associated with Customer Number 26389 . All attorneys/agents associated with Cusotmer Number 26389 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	Boehringer Ingelheim Corp.
Name2	Attn. Ms. Jeanne Rogers
Address 1	900 Ridgebury Road
Address 2	P.O. Box 368
City	Ridgefield
State	CT
Postal Code	06877-0368
Country	US

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

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

Office of Petitions

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

Electronic Petition Request	**REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS**
Application Number	12296427
Filing Date	13-Oct-2009
First Named Inventor	Babette Aicher
Art Unit	1624
Examiner Name	SUSANNA MOORE
Attorney Docket Number	VOPA131935
Title	THIENOPYRIMIDINES HAVING MNK1/MNK2 INHIBITING ACTIVITY FOR PHARMACEUTICAL COMPOSITIONS

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 26389

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

10.40(b)(4)

Certifications

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

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

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

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

Name	Boehringer Ingelheim Corp. Attn. Ms. Jeanne Rogers
Address	900 Ridgebury Road P.O. Box 368
City	Ridgefield
State	CT
Postal Code	06877-0368
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Tineka J. Quinton/
Name	Tineka J. Quinton
Registration Number	53496

UNITED STATES PATENT AND TRADEMARK OFFICE

07 SEP 2010

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MENDELSOHN, DRUCKER, & ASSOCIATES, P.C.
1500 JOHN F. KENNEDY BLVD., SUITE 405
PHILADELPHIA PA 19102

In re Application of HARGROVE et al.	
Application No.: 12/296,433	DECISION ON PETITION
PCT No.: PCT/US07/89019	
Int. Filing: 28 December 2007	UNDER 37 CFR 1.47(a)
Priority Date: None	
Attorney Docket No.: 1-117-8	
For: CREDIT AND DEBIT CARD TRANSACTION APPROVAL USING LOCATION VERIFICATION	

This is a decision on applicant's renewed petition under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 03 August 2010.

BACKGROUND

On 08 October 2008, applicant filed a transmittal letter (PTO-1390) requesting entry into the national stage in the United States of America under 35 U.S.C. § 371. Filed with the Transmittal Letter was, *inter alia*, the requisite basic national fee.

On 19 April 2010, a Notification of Missing Requirements (FORM PCT/DO/EO/905) was mailed to applicant indicating, *inter alia*, that an oath or declaration in accordance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period was required.

On 17 May 2010, applicant filed the instant petition along with a declaration, executed by the joint inventors on behalf of the nonsigning inventor. The petition under 37 CFR 1.47(a), in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4), requested the acceptance of the application without the signature of inventor STANLEY REINHOLD, alleging that the inventor refused to sign and is now unavailable.

On 23 June 2010, a decision dismissing the petition was mailed indicating that the requirements of 37 CFR 1.47(a) regarding the inventor's refusal or unavailability had not been met.

DISCUSSION

Petitioner has now presented the declaration signed by previously nonsigning inventor STANLEY REINHOLD. A review of the declarations reveals that the declarations identify and are executed by all the inventors named in the international application including their respective citizenship, residency and mailing address for each inventor.

The petition under 37 CFR 1.47(a) is considered moot as declaration executed by the previously unavailable inventor has now been submitted. The declarations are acceptable and in compliance with 37 CFR 1.497(a) and (b).

CONCLUSION

For the above reasons, the petition under 37 CFR 1.47(a) is **DISMISSED AS MOOT**.

The declarations, executed by STANLEY REINHOLD and the joint inventors, and submitted on 17 May and 03 August 2010, are acceptable.

This application is being forwarded to United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 03 August 2010.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: 571-272-3286
Facsimile: 571-272-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Wellstat Management Company. LLC
LEGAL DEPARTMENT
930 CLOPPER ROAD
GAITHERSBURG MD 20878

MAILED
JAN 11 2012
OFFICE OF PETITIONS

In re Application of

Lu, et al.

Application No. 12/296,458

Filed: October 8, 2008

DECISION ON PETITION

Attorney Docket No. **18059-PCTUS**

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-identified application became abandoned for failure to file a proper response to the final Office action mailed March 17, 2011. The final Office action set a shortened statutory period for reply of three months from its mailing date. A proper response was received, and the application became abandoned on September 18, 2011. A Notice of Abandonment was mailed November 30, 2011.

The Request for Continued Examination filed December 22, 2011, is noted.

The application file is being forwarded to Technology Center 1600, GAU 1642 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

Decision Date : May 10,2011

In re Application of :

Takashi Aoki

DECISION ON PETITION
UNDER CFR 1.313(c)(2)

Application No : 12296459

Filed : 12-Nov-2008

Attorney Docket No : 14119.105017

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed May 10,2011 , 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 1648 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

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

Electronic Petition Request	**PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)**
Application Number	12296459
Filing Date	12-Nov-2008
First Named Inventor	Takashi Aoki
Art Unit	1648
Examiner Name	ALI SALIMI
Attorney Docket Number	14119.105017
Title	DNA VACCINE FOR KOI HERPES VIRUS (KHV) DISEASE

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	/Kenneth Sonnenfeld/
Name	Kenneth H. Sonnenfeld
Registration Number	33285

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

MAILED

NOV 03 2011

OFFICE OF PETITIONS

In re Application of :
Yukari Inoue, et al :
Application No. 12/296,491 : DECISION ON PETITION
Filed: October 8, 2008 : UNDER 37 CFR 1.313(c)
Attorney Docket No. Q109 :

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

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on September 22, 2011, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

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 IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

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

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23552
MERCHANT & GOULD PC
P.O. Box 2903
Minneapolis MN 55402-0903

MAILED

JAN 14 2011

PCT LEGAL ADMINISTRATION

In re Application of :
HOANG *et al* :
U.S. Application No.: 12/296,625 :
PCT No.: PCT/EP2007/052645 :
Int. Filing Date: 20 March 2007 : **DECISION**
Priority Date: 11 April 2006 :
Attorney Docket No.: 15407.0099USWO :
For: METHOD FOR CONTROLLING AT LEAST ONE SOLENOID VALVE :

This decision is in response to the petition under 37 CFR 1.182 filed 18 November 2010.

BACKGROUND

On 09 October 2008, applicants filed papers using the USPTO EFS-Web system as the national stage of PCT/EP2007/018750. Other papers filed that day listed two different PCT numbers, PCT/EP2007/118750 and PCT/EP2007/052645.

On 05 December 2008, an executed declaration was filed recording the international application number as PCT/EP2007/052645.

On 22 September 2010, a communication was mailed regarding the discrepancy in the PCT number.

On 18 November 2010, applicants filed the subject petition.

DISCUSSION

Applicants' petition under 37 CFR 1.182 to correct the PCT number in the above-captioned national stage application to PCT/EP2007/052645.

The $400.00 petition fee has been paid.

A review of the above-captioned application file verifies that the wrong PCT number (PCT/EP2007/018750) was designated when filing the application electronically using the USPTO EFS-Web. The transmittal letter filed 09 October 2008 also listed a wrong (and different) international application number.

Nonetheless, applicants provided international papers and an Application Data Sheet listing the international application as PCT/EP2007/052645. WIPO records also show that the PCT number corresponding to the title, international filing date, priority date and listed applicants is PCT/EP2007/052645. Further, applicants state that the proper international application number is PCT/EP2007/052645.

This is sufficient for a grantable petition.

CONCLUSION

Applicants' petition under 37 CFR 1.182 is **GRANTED**.

USPTO records have been changed to reflect that the above-captioned application is the national stage of PCT/EP2007/052645.

This application is being forwarded to the DO/EO/US for further processing in accordance with this decision.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON DC 20044-4300

MAILED

SEP 08 2011

OFFICE OF PETITIONS

In re Application of	:	
Takaaki Sekine, et al.	:	
Application No. 12/296,657	:	DECISION GRANTING PETITION
Filed: October 9, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 038921.60792US	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, September 7, 2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on August 25, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2837 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON MA 02110

MAILED

AUG 16 2010

OFFICE OF PETITIONS

In re Application of	:	
Micah James Atkin	:	
Application No. 12/296,659	:	DECISION ON
Filed: December 19, 2008	:	PETITION TO WITHDRAW
Attorney Docket No. 50365/009001	:	FROM RECORD
	:	

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 14, 2010.

The request is **APPROVED**.

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

The request was signed by Karen L. Elbing, Ph.D. on behalf of all attorneys/agents associated with customer 21559. All attorneys/agents associated with customer number 21559 have been withdrawn.

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

The correspondence address has been changed and is copied below.

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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

UNITED 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
12/296,659	12/19/2008	Micah James Atkin	50365/009001

CONFIRMATION NO. 1529

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

POWER OF ATTORNEY NOTICE

OC000000043069869

Date Mailed: 08/16/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/14/2010.

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

/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

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MYCROLAB PTY LTD.
70 HANOVER STREET
FITZROY
VICTORIA 3065 AU AUSTRALIA

MAILED

JUN 02 2011

OFFICE OF PETITIONS

In re Application of :
Micah James Atkin :
Application No. 12/296,659 : DECISION ON PETITION
Filed: December 19, 2008 :
Title: Imaging Apparatus With A Plurality Of Shutter Elements :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 11, 2011 and the Supplemental petition filed March 13, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Non-Compliant Amendment mailed August 20, 2010, which set a period for reply of one (1) month or thirty (30) days, whichever is longer. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on September 21, 2010. A Notice of Abandonment was mailed March 22, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of 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.

The application file is being referred to Technology Center AU 2873 for appropriate action on the amendment filed April 13, 2011.

/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.
12/296,772	10/10/2008	Kate Jessie Stone	7790-X08-037	1472

27317 7590 03/03/2011

Fleit Gibbons Gutman Bongini & Bianco PL
21355 EAST DIXIE HIGHWAY
SUITE 115
MIAMI, FL 33180

EXAMINER	
LUU, CHUONG A	

ART UNIT	PAPER NUMBER
2892	

MAIL DATE	DELIVERY MODE
03/03/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FLEIT GIBBONS GUTMAN BONGINI & BIANCO PL
21355 EAST DIXIE HIGHWAY
SUITE 115
MIAMI, FL 33180

In re Application of:
Kate Jessie Stone
Serial No.: 12/296772
Filed: 10 Oct. 2008
Attorney Docket No.: 7790-X08-037

DECISION *SUA SPONTE*
WITHDRAWING HOLDING
OF ABANDONMENT

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

A non-final Office action was mailed on 03 Aug. 2010. Applicant responded to the non-final action on 03 Feb. 2011. A three-month extension of time under 37 CFR 1.136 was filed on 03 Feb. 2011, along with an authorization to charge the requisite fee. The record shows that the fee has been collected. Accordingly, the time for filing a response to the non-final Office action was to expire after 03 Feb. 2011.

A Notice of Abandonment was mailed on 09 Feb. 2011.

The Notice of Abandonment is hereby vacated, the holding of abandonment withdrawn and the application restored to pending and non-final status. Applicant's amendment will be processed for further examination. Inconvenience to the applicant is regretted.

Any inquiry regarding this decision should be directed to Thao X. Le, Supervisory Patent Examiner, at (571) 272-1708.

John W. Cabeca, Director
Technology Center 2800

30 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

FULBRIGHT & JAWORSKI L.L.P.
600 CONGRESS AVE.
SUITE 2400
AUSTIN TX 78701

In re Application of	:	
Sarkar et al.	:	
Application No.: 12/296,846	:	DECISION
PCT No.: PCT/US2007/066470	:	
Int. Filing Date: 11 April 2007	:	ON
Priority Date: 11 April 2006	:	
Attorney Docket No.: UTSG-276US/10810974	:	PETITION
For: Methods And Compositions Involving Nucleotide Repeat Disorders	:	

This is in response to the petition under 37 CFR 1.182 filed on 23 August 2010, which is also regarded as a renewed petition under 37 CFR 1.47(a).

DISCUSSION

Petition Under 37 CFR 1.182

Petitioner requests that the name of the third inventor as it appears on the declaration (Weidong XU) be accepted, even though the corresponding inventor nominated in the published international application is named as "WEIDONG, Xu." On 07 May 2010, petitioner presented an explanation of the discrepancy, signed by Weidong Xu. Based on the totality of the evidence now of record, it would be appropriate to accept applicants' explanation of the discrepancy, and to accept the declaration for purposes of compliance with 37 CFR 1.497(a) and (b).

Petition Under 37 CFR 1.47(a)

In a Decision mailed on 21 June 2010, the renewed petition under 37 CFR 1.47(a) filed on 07 May 2010 was dismissed, without prejudice. In view of the fact that applicants have submitted a declaration signed by all of the inventors, the petition under 37 CFR 1.47(a) is now moot.

DECISION

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

The petition under 37 CFR 1.47(a) is **DISMISSED AS MOOT**, without prejudice.

This application is being returned to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **07 May 2010**.

/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

CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON, MA 02110

MAILED

DEC 01 2010

OFFICE OF PETITIONS

Applicant: Janssens, et al.
Appl. No.: 12/296,848
International Filing Date: April 10, 2007
Title: ENHANCING SOLUBILITY AND DISSOLUTION RATE OF POORLY SOLUBLE DRUGS
Atty. Doc. No. : 50304/194001
Pub. No.: US 2009/0311325 A1
Pub. Date: December 17, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on February 12, 2010, for the above-identified application.

Applicant requests that the application be republished because the patent application publication contains material errors, in the specification and claims.

The request is granted.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

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

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

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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

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

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

Application No:	12/296,867	Filing date:	August 19, 2009
First Named Inventor:	Anders Thornell-Pers		
Title of the Invention:	ANTENNA DEVICE AND PORTABLE RADIO COMMUNICATION DEVICE COMPRISING SUCH AN ANTENNA DEVICE		

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

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

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

The corresponding PCT application number(s) is/are: PCT/SE2007/000492

The international filing date of the corresponding PCT application(s) is/are: May 18, 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.**

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

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

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

(continued)

Application No.:	12/296,867
First Named Inventor:	Anders Thornell-Pers

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 October 10, 2008

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

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on October 10, 2008

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Identical (except U.S. claim does not include reference numbers or the phrase "characterized by")
2	2	Identical (except U.S. claim does not include reference number)
3	3	Identical (except U.S. claim does not include reference number)
4	4	Identical (except U.S. claim does not include multiple dependency or reference numbers)
5	5	Identical (except U.S. claim does not include multiple dependency or reference numbers)
6	6	Identical (except U.S. claim does not include multiple dependency or reference numbers)
7	7	Identical (except U.S. claim does not include multiple dependency or reference numbers)
8	8	Identical (except U.S. claim does not include multiple dependency or reference numbers)
9	9	Identical (except U.S. claim does not include multiple dependency or reference numbers)
10	10	Identical (except U.S. claim does not include reference numbers or the phrase "characterized by")

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

Signature /Anthony G. Fussner/	Date March 18, 2011
Name (Print/Typed) Anthony G. Fussner	Registration Number 47,582

CLAIMS

1. An antenna device for a portable radio communication device operable in at least four different frequency bands, the antenna device comprising:

- a first electrically conductive radiating element (12; 112);

- a second electrically conductive radiating element (14; 114);

- a junction (16) connecting the first and second radiating elements;

- a first conductor (18) arranged between the junction point and a source of RF signals;

characterized by

- a second conductor (20) arranged between the junction point and the source of RF signals, wherein the second conductor has an electric length that is shorter than the electric length of the first conductor (18);

- a controllable switch element (22) provided in series with the second conductor, said switch being controllable by a current flowing through the switch; and

- a first filter block (24) provided in series with the second conductor, said first filter block being arranged to block signals with a frequency lower than the at least four different frequency bands.

2. The antenna device according to claim 1, comprising a second filter block (26) arranged between the second conductor and ground, wherein the second filter is arranged to block signals in the at least four different frequency bands; and

3. The antenna device according to claim 1, comprising a third filter block (28) arranged between the first conductor and a control voltage input (V_{Switch}).

4. The antenna device according to any of claims 1-3, wherein the controllable switch element (30; 130) comprises a PIN diode.

5. The antenna device according to any of claims 1-3, wherein the controllable switch element (30; 130) comprises a GaAs switch.

6. The antenna device according to any of claims 1-4, wherein the first and second radiating elements (12, 14) are elongated monopole radiating elements.

7. The antenna device according to any of claims 1-4, wherein the first and second radiating elements (112, 114) are parts of an inverted F antenna.

8. The antenna device according to any of claims 1-7, comprising a further controllable switch element (30) provided between the first filter block (24) and the first conductor (18) at an end of the second conductor opposite to where the controllable switch element (22) is provided.

9. The antenna device according to any of claims 1-8, comprising a conductive elongated parasitic element (32) provided close to the first conductor (18).

10. A portable radio communication device comprising an antenna device operable in at least four different frequency bands, the antenna device comprising:

- a first electrically conductive radiating element (12; 112);
- a second electrically conductive radiating element (14; 114);
- a junction (16) connecting the first and second radiating elements;
- a first conductor (18) arranged between the junction point and a source of RF signals;

characterized by

- a second conductor (20) arranged between the junction point and the source of RF signals, wherein the second conductor has an electric length that is shorter than the electric length of the first conductor (18);
- a controllable switch element (22) provided in series with the second conductor, said switch being controllable by a current flowing through the switch;

- a first filter block (24) provided in series with the second conductor, said first filter block being arranged to block signals with a frequency lower than the at least four different frequency bands;

- a second filter block (26) arranged between the second conductor and ground, wherein the first filter is arranged to block signals in the at least four different frequency bands; and

- a third filter block (28) arranged between the first conductor and a control voltage input (V_{Switch}).

PATENT COOPERATION TREATY

PCT/SE2007/000492

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION CONCERNING TRANSMITTAL OF COPY OF INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (CHAPTER I OF THE PATENT COOPERATION TREATY)
(PCT Rule 44bis.1(c))

To:

ESTREEN, Lars
Kransell & Wennborg KB
Box 27834
S-115 93 Stockholm
SUÈDE

RECEIVED
2011-02-16

Date of mailing *(day/month/year)* 10 February 2011 (10.02.2011)	
Applicant's or agent's file reference 06222PC~~-LE~~ /RF	**IMPORTANT NOTICE**

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/SE2007/000492	18 May 2007 (18.05.2007)	19 May 2006 (19.05.2006)

Applicant
LAIRD TECHNOLOGIES AB et al

The International Bureau transmits herewith a copy of the international preliminary report on patentability (Chapter I of the Patent Cooperation Treaty)

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Facsimile No. +41 22 338 82 70

Authorized officer
Nora Lindner

e-mail: pt11.pct@wipo.int

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44*bis*)

Applicant's or agent's file reference 06222PC-LE	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/SE2007/000492	International filing date *(day/month/year)* 18 May 2007 (18.05.2007)	Priority date *(day/month/year)* 19 May 2006 (19.05.2006)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant LAIRD TECHNOLOGIES AB		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 *bis*.1(a).

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

   In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

☒	Box No. I	Basis of the report
☐	Box No. II	Priority
☐	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
☐	Box No. IV	Lack of unity of invention
☒	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
☐	Box No. VI	Certain documents cited
☐	Box No. VII	Certain defects in the international application
☐	Box No. VIII	Certain observations on the international application

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44*bis*.3(c) and 93*bis*.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44*bis* .2).

	Date of issuance of this report 01 February 2011 (01.02.2011)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Nora Lindner e-mail: pt11.pct@wipo.int

Form PCT/IB/373 (January 2004)

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
KRANSELL & WENNBORG KB
Box 27834
115 93 STOCKHOLM
Sverige

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Date of mailing *(day/month/year)*	14-09-2007
Applicant's or agent's file reference 06222PC-LE	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/SE2007/000492	18-05-2007	19-05-2006

International Patent Classification (IPC) or both national classification and IPC
See Supplemental Box

Applicant
Laird Technologies AB et al

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

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

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will 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 IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

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

For further opinions, see Form PCT/ISA/220.

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

Name and mailing address of the ISA/SE
Patent- och registreringsverket
Box 5055
S-102 42 STOCKHOLM

Facsimile No. +46 8 667 72 88

Authorized officer
Rune Bengtsson / itw

Telephone No. +46 8 782 25 00

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/SE2007/000492

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.
Continuation of: Cover sheet

International patent classification (IPC)
H01Q 1/24 (2006.01)

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/SE2007/000492

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of:

   ☒ the international application in the language in which it was filed

   ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43*bis*.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

   a. type of material

      ☐ a sequence listing

      ☐ table(s) related to the sequence listing

   b. format of material

      ☐ on paper

      ☐ in electronic form

   c. time of filing/furnishing

      ☐ contained in the international application as filed.

      ☐ filed together with the international application in electronic form.

      ☐ furnished subsequently to this Authority for the purposes of search.

4. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/SE2007/000492

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

1. Statement

Novelty (N)	Claims	1-10	YES
	Claims		NO
Inventive step (IS)	Claims	1-10	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-10	YES
	Claims		NO

2. Citations and explanations:

Documents cited in the International Search Report:

D1: US 6476769 B1
D2: JP 3482089 B2, Abstract in English
D3: CA 2467282 A1

The cited documents represent the general state of the art.

The invention defined in claims 1-10 is not disclosed by any of these documents.

The cited prior art does not give any indication that would lead a person skilled in the art to the claimed antenna device or portable radio communication device. Therefore, the claimed invention is not obvious to a person skilled in the art.

Accordingly, the invention defined in claims 1-10 is novel and is considered to involve an inventive step. The invention is industrially applicable.

UNITED 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.
12/296,867	08/19/2009	Anders Thornell-Pers	9062A-000098/US/NP	2107

28997 7590 04/12/2011
HARNESS, DICKEY, & PIERCE, P.L.C
7700 Bonhomme, Suite 400
ST. LOUIS, MO 63105

EXAMINER	
KIM, JAE K	

ART UNIT	PAPER NUMBER
2821	

MAIL DATE	DELIVERY MODE
04/12/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HARNESS, DICKEY, & PIERCE, P.L.C
7700 Bonhomme, Suite 400
ST. LOUIS MO 63105

In re Application of
Anders THORNELL-PERS
Application No.: 12/296,867
Filed: 19 August 2009
Attorney Docket No.: 9062A-000098/US/NP
For: ANTENNA DEVICE AND PORTABLE RADIO COMMUNICATION DEVICE COMPRISING SUCH AN ANTENNA DEVICE

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

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

The request and petition are **DISMISSED**.

Discussion

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

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, Russia, Spain, Finland, Austria, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

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

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

Requirements (2-6) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet requirements (1) and (7).

Regarding the requirement of condition (1), the U.S. application does not have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, Russia, Spain, Finland, Austria, or USPTO. The CH I was prepared by ISA/SE.

Regarding the requirement of condition (7), applicant has failed to provide a copy of JP10190345. Only the abstract has been received.

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

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

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

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

Lee W. Young
TQAS Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

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NELSON MULLINS RILEY & SCARBOROUGH LLP
FLOOR 30, SUITE 3000
ONE POST OFFICE SQUARE
BOSTON MA 02109

MAILED

SEP 12 2011

OFFICE OF PETITIONS

In re Application of :
Wade Edwards, et al. :
Application No. 12/296,888 : ON PETITION
Filed: August 20, 2009 :
Attorney Docket No. SFW-029US :

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 **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, January 11, 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 12, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a 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. 13/180,274.

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

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20120309

DATE :

TO SPE OF : ART UNIT 1644

SUBJECT : Request for Certificate of Correction on Patent No.: 7915389

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:

/RAM R SHUKLA/
Supervisory Patent Examiner.Art Unit 1644

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/297,117	10/14/2008	Mitsuru Naito	4386.82197	4613

7590 09/14/2010

GREER, BURNS & CRAIN
300 S WACKER DR
25TH FLOOR
CHICAGO, IL 60606

EXAMINER	
JOHNSTONE, ADRIENNE C	

ART UNIT	PAPER NUMBER
1791	

MAIL DATE	DELIVERY MODE
09/14/2010	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

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

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

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

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

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

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

Electronic Petition Request	**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**
Application Number	12297129
Filing Date	11-Aug-2009
First Named Inventor	David Pritchard
Attorney Docket Number	41577/368471
Title	LARVAL POLYPEPTIDES HAVING A NUCLEASE ACTIVITY

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	/Kathryn H. Wade/
Name	Kathryn Wade
Registration Number	54682

UNITED STATES 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 23, 2012

In re Application of David Pritchard

Application No. 12297129

Filed: 11-Aug-2009

Attorney Docket No. 41577/368471

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), January 23, 2012 , to revive the above-identified application.

The petition is GRANTED.

The above-identified application became abandoned for failure to reply in a timely manner to the outstanding final Office action. The date of abandonment is the day after the last day of the period set for reply in the Office action plus any applicable extensions of time properly requested.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment and/or response, Request for Continued Examination, and the filing fee required under 37 CFR 1.17(e); (2) the petition fee as set forth in 37 CFR 1.17 (m); and (3) the required statement of unintentional delay have been received. Accordingly, the Request for Continued Examination and the amendment and/or response are accepted as having been unintentionally delayed.

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

This application file is being directed to the Technology Center.

Office of Petitions

2 1 SEP 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

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ROTHWELL, FIGG, ERNST & MANBECK, P.C.
1425 K STREET, N.W.
SUITE 800
WASHINGTON DC 20005

In re Application of
SACK et al.
Application No.: 12/297,133
PCT No.: PCT/EP07/003417
Int. Filing Date: 12 April 2007
Priority Date: 13 April 2006
Atty Docket No.: 3286-104
For: DEVICE AND PROCESS FOR MAGNETIC RESONANCE ELASTOGRAPHY (MRE)

DECISION ON

under 37 CFR 1.497(d)

This is a decision on applicant's' "Petition for Correction of Inventorship under 37 CFR 1.48(a)", filed on 27 February 2009 in the United States Patent and Trademark Office (USPTO), requesting acceptance of the declaration in the above reference application. For the reasons set forth below, the petition is being treated as a petition under 37 CFR 1.497(d).

BACKGROUND

On 14 October 2008, applicant filed a request entry into the national stage in the United States of America under 35 U.S.C. § 371 with, *inter alia*, the requisite basic national.

On 27 February 2009, applicant filed an executed declaration along with the instant request to correct inventorship under 37 CFR 1.48(b).

On 29 December 2008, a Notification of Missing Requirements was mailed to applicant, indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period was required.

DISCUSSION

At the outset, it is noted that 37 CFR 1.48(a) is directed to non-provisional applications. A national stage application is not considered a non-provisional application until the requirements of 35 U.S.C. 371 are complete. Thus, a petition under 37 CFR 1.48(a) does not apply to the instant application at this time. Such request to correct inventorship is treated as a petition under 37 CFR 1.497(d), to correct an inventive entity if different from the inventive entity identified in the international application.

Ingolf Sack, Jurgen Braun and Jens Rump were named as the inventors in the published international application PCT/EP07/003417. Applicant now requests the addition of inventor Jens Modrow.

Petition under 37 CFR 1.497(d)

Where the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and 37 CFR 1.497(d) names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by: (1) a statement from each person being added as an inventor that any 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(s) (See 37 CFR 3.73(b)).

Petitioner provided the statement of Jens Modrow, inventor to be added, in support of the correction of inventorship under 37 CFR 1.497(d). A review of the application file reveals that the petition fee of $130 was paid. Applicant also submitted the written consent of the assignee to add Jens Modrow as an inventor. With regard to applicant's petition, applicant satisfied the requirements of 37 CFR 1.497(d) and met all of the requirements to add Jens Modrow as inventor in the above-identified international application.

The declaration submitted on 27 February 2009 is in compliance with 37 CFR 1.497(a) and (b) and is acceptable.

CONCLUSION

Applicant's petition under 37 CFR 1.497(d) to add inventor Jens Modrow is **GRANTED**.

The application will be forwarded to the United States Designated/Elected Office for further processing in accord with this decision.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Telephone: (571)272-3286

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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CANTOR COLBURN LLP
20 CHURCH STREET
22ND FLOOR
HARTFORD CT 06103

MAILED

FEB 27 2012

OFFICE OF PETITIONS

In re Application of :
LAUTENSCHLAGER, Hans et al. :
Application No. 12/297,155 : DECISION ON PETITION
Filed: June 11, 2010 : TO WITHDRAW
Attorney Docket No. **ELS-0003** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 29, 2011.

The request is **NOT APPROVED.**

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

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

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

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

/Michelle R. Eason/
Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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JAN 07 2011

OFFICE OF PETITIONS

VOLPE AND KOENIG, P.C.
UNITED PLAZA
30 SOUTH 17TH STREET
PHILADELPHIA PA 19103

In re Application of	:	
Singh et al.	:	DECISION ON PETITION
Application No. 12/297,174	:	TO WITHDRAW
Filed: October 14, 2008	:	FROM RECORD
Attorney Docket No. SMC-PT012	:	

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

The request is **NOT APPROVED**.

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

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

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

There is an outstanding Office action mailed December 22, 2010 which requires a reply.

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

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

OCT 28 2010

PCT LEGAL ADMINISTRATION

In re Application of KIM et al. :
Application No.: 12/297,192 :
PCT No.: PCT/KR2007/001863 : DECISION ON REQUEST
Int. Filing Date: 17 April 2007 :
Priority Date: 17 April 2006 :
Attorney Docket No.: P10146US :
For: METHOD FOR BENDING THE SELF-REGULATING CABLE AND HEATING MAT FOR PROTECTING OVER-HEATING

This decision is issued in response to applicants' "Reply to Notification of Defective Response" filed 10 November 2009 notifying the Office that the name of the first inventor is Seo KON Kim as set forth on the Declaration (filed 17 September 2009) rather than Seo Gon Kim as set forth on the published international application. Applicants' request has been treated under 37 CFR 1.181. No petition fee is due.

Section 605.04(b) of the Manual of Patent Examining Procedure states that, where a typographical or transliteration error in the spelling of an inventor's name is discovered, a petition is not required, nor is a new oath or declaration under 37 CFR 1.63 needed. Here, applicants' 10 November 2009 submission states that the name of the first inventor was listed incorrectly on the international application and that the spelling of this inventor's name on the declaration is correct. Applicants' statement is construed that the spelling error contained in the international application resulted from a transliteration/typographical error; applicants must inform this Office immediately if this is not a proper interpretation of these statements. Based on the above-stated interpretation of applicants' statement, the correct name of the first inventor is accepted as Seo KON Kim, as set forth in the declaration. The declaration of inventorship filed 17 September 2009 complies with 37 CFR 1.497.

For the reasons above, the request under 37 CFR 1.181 is **GRANTED**. This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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JUN 13 2011

PCT LEGAL ADMINISTRATION

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MAYER & WILLIAMS PC
251 NORTH AVENUE WEST
2ND FLOOR
WESTFIELD NJ 07090

In re Application of	:	DECISION
SUFFA (deceased) et al.	:	
Application No.: 12/297,209	:	
PCT No.: PCT/EP2007/053528	:	
Int. Filing Date: 11 April 2007	:	
Priority Date: 13 April 2006	:	
Attorney Docket No.: 00139/018001	:	
For: SELF-CLOSING VALVE	:	

This decision is in response to applicants' submission filed 01 February 2011 which includes, *inter alia*, a petition under 37 CFR 1.137(b). The submission has been properly treated as also including a renewed request for status under 37 CFR 1.42 for inventor Udo Suffa and as a renewed petition under 37 CFR 1.47(a) for inventor Eberhard Koebke.

The petition under 37 CFR 1.47(a) is **DISMISSED** as **MOOT**.

The request for status under 37 CFR 1.42 is **REFUSED**.

The petition under 37 CFR 1.137(b) is **DISMISSED** without prejudice.

BACKGROUND

On 11 April 2007, applicants filed international application PCT/EP2007/053528, which designated the United States and claimed a priority date of 13 April 2006. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 25 October 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 14 October 2008 (13 October 2008 being a Federal holiday).

On 14 October 2008, applicants 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 12 November 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 the declaration of inventors filed under PCT Rule 4.17(iv) in the international application was not sufficient because it was illegible and that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 15 June 2009, applicants filed a submission which was properly treated as a request for status under 37 CFR 1.42 for inventor Udo Suffa and as a petition under 37 CFR 1.47(a) for inventor Eberhard Koebke.

On 27 August 2009, a decision was mailed refusing applicants' request for status under 37 CFR 1.42 for inventor Udo Suffa and dismissing without prejudice applicants' petition under 37 CFR 1.47(a) for inventor Eberhard Koebke. The decision set forth a two-month extendable period for reply.

On 29 March 2010, the application went abandoned as to the United States for failure to reply to the decision mailed 27 August 2009. (27 March 2010 was a Saturday.)

On 01 February 2011, applicants filed the instant submission.

DISCUSSION

Request Under 37 CFR 1.42

The indication that inventor Udo Suffa is deceased has been treated as a request for status under 37 CFR 1.42.

The declaration does not include the residence, mailing address and citizenship of the person(s) signing on behalf of the deceased inventor (37 CFR 1.497(b)(2)) in addition to the full name and citizenship of the deceased inventor (37 CFR 1.497(a)(3)). Also, the declaration does not indicate that the person signing on behalf of Mr. Suffa is the legal representative of Mr. Suffa.

Petition Under 37 CFR 1.47(a)

Since a 37 CFR 1.497 declaration has been executed by all the joint inventors, the petition for status under 37 CFR 1.47(a) is moot. The application need not be returned to the Office of PCT Legal Affairs for any further consideration of the status under 37 CFR 1.47 and no such status should be indicated on this application file.

Petition Under 37 CFR 1.137(b)

A petition to revive the present application under 37 CFR 1.137(b) must include:

(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), the required reply, a proper declaration of the inventors, has not been provided. See the section "Request Under 37 CFR 1.42" above.

As to item (2), applicant submitted the petition fee on 01 February 2011.

As to item (3), a grantable petition has not yet been provided.

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** as **MOOT** for the reasons set forth above.

The request for status under 37 CFR 1.42 is **REFUSED** for the reasons set forth above.

The petition under 37 CFR 1.137(b) is **DISMISSED** without prejudice for the reasons set forth above.

If reconsideration on the merits of the petition under 37 CFR 1.42 and 37 CFR 1.137(b) is desired, a proper reply must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR1.137(b) and 37 CFR 1.42." No additional petition fee is required.

Failure to timely file a proper reply will result in abandonment of the application.

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.

/Daniel Stemmer/
Daniel Stemmer
PCT Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration; Telephone: (571) 272-3301

UNITED STATES PATENT AND TRADEMARK OFFICE

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OCT 03 2011

PCT LEGAL ADMINISTRATION

MAYER & WILLIAMS PC
251 NORTH AVENUE WEST
Suite 201
WESTFIELD NJ 07090

In re Application of :
SUFFA (deceased) et al. :
Application No.: 12/297,209 : DECISION
PCT No.: PCT/EP2007/053258 :
International Filing Date: 11 April 2007 :
Priority Date: 13 April 2006 :
Attorney Docket No.: 00139/018001 :
For: SELF-CLOSING VALVE :

This decision is in response to applicants' renewed petitions under 37 CFR 1.137(b) and 1.42 filed in the United States Patent and Trademark Office (USPTO) on 28 July 2011.

BACKGROUND

On 11 April 2007, applicants filed international application PCT/EP2007/053528, which designated the United States and claimed a priority date of 13 April 2006. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 25 October 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 14 October 2008 (13 October 2008 being a Federal holiday).

On 14 October 2008, applicants 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 12 November 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 the declaration of inventors filed under PCT Rule 4.17(iv) in the international application was not sufficient because it was illegible and that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 15 June 2009, applicants filed a submission which was properly treated as a request for status under 37 CFR 1.42 for inventor Udo Suffa and as a petition under 37 CFR 1.47(a) for inventor Eberhard Koebke.

On 27 August 2009, a decision was mailed refusing applicants' request for status under 37 CFR 1.42 for inventor Udo Suffa and dismissing without prejudice applicants' petition under 37 CFR 1.47(a) for inventor Eberhard Koebke. The decision set forth a two-month extendable period for reply.

On 29 March 2010, the application went abandoned as to the United States for failure to reply to the decision mailed 27 August 2009. (27 March 2010 was a Saturday.)

On 01 February 2011, applicants filed a submission including a petition under 37 CFR 1.137(b), a renewed request for status under 37 CFR 1.42 for inventor Udo Suffa, and a renewed petition under 37 CFR 1.47(a) for inventor Eberhard Koebke.

On 13 June 2011, a decision was mailed dismissing applicants' petition under 37 CFR 1.47(a) as moot because the declaration had been executed by all the joint inventors, refusing applicants' request for status under 37 CFR 1.42, and dismissing without prejudice applicants' petition under 37 CFR 1.137(b).

On 28 July 2011, applicants filed the instant renewed petitions under 37 CFR 1.137(b) and 1.42.

DISCUSSION

Petition Under 37 CFR 1.37(b)

A petition to revive the present application under 37 CFR 1.137(b) must include:

(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), the required reply, a proper declaration of the inventors, has been provided. See the section "Request Under 37 CFR 1.42" above.

As to item (2), the petition fee was paid on 01 February 2011.

As to item (3), the requisite statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

Request Under 37 CFR 1.42

The submission filed 28 July 2011 is in compliance with 37 CFR 1.42.

Declaration of Inventors

The declaration filed 28 July 2011 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **ACCEPTED**.

For the above, reasons, the petition under 37 CFR 1.137(b) is **GRANTED**.

(Since a 37 CFR 1.497 declaration has been executed by all the joint inventors, the petition for status under 37 CFR 1.47(a) is moot. The application need not be returned to the Office of PCT Legal Affairs for any further consideration of the status under 37 CFR 1.47 and no such status should be indicated on this application file.)

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 in accordance with this decision.

/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

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.
12/297,220	10/15/2008	Keisuke Kawai	4554-078	5699

7590 12/30/2010

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

EXAMINER	
MANSEN, MICHAEL R	

ART UNIT	PAPER NUMBER
3654	

MAIL DATE	DELIVERY MODE
12/30/2010	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

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

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☑ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

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 : April 5, 2012

In re Application of :

Robin Fairhurst

DECISION ON PETITION
UNDER CFR 1.313(c)(2)

Application No : 12297291

Filed : 15-Oct-2008

Attorney Docket No : 093286-0180

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed April 5, 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 1622 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

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

Electronic Petition Request	**PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)**
Application Number	12297291
Filing Date	15-Oct-2008
First Named Inventor	Robin Fairhurst
Art Unit	1622
Examiner Name	MARK BERCH
Attorney Docket Number	093286-0180
Title	ORGANIC COMPOUNDS

An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).

A grantable petition requires the following items:
(1) Petition fee; and
(2) One of the following reasons:
(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;
(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or
(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).

Petition Fee

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

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

☐ Applicant(s) status remains as SMALL ENTITY.

☒ Applicant(s) status remains as other than SMALL ENTITY

Reason for withdrawal from issue

◯ One or more claims are unpatentable ◉ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees) ◯ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).
RCE request,submission, and fee. ☒ I certify, in accordance with 37 CFR 1.4(d)(4) that : The RCE request ,submission, and fee have already been filed in the above-identified application on 2012.04.05 ☐ 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	/Paul D. Strain/
Name	Paul D. Strain
Registration Number	47369

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LAW OFFICE OF DELIO & PETERSON, LLC.
121 WHITNEY AVENUE
NEW HAVEN, CT 06510

Mail Date: 09/02/2010

Applicant	: John E. Judd	: DECISION ON REQUEST FOR
Patent Number	: 7606673	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 12/297,368	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/16/2008	: 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

Yongzhi Mao
No. 18, Fuquan Road
Changping District
Beijing 102200
China

MAILED

FEB 10 2012

OFFICE OF PETITIONS

In re Application of :
Mao et al. :
Application No. 12/297,487 :
International Filing Date: April 17, 2006 :
Attorney Docket No. CE171008.1 :

This is a decision on the letter from Darren Gardner, reg. no 54,113, filed January 10, 2012, stating that he is not associated with customer numbers: 69109; 14776; 69373; 72136; 92958 and 14392.

Applicant has specified that the power of attorney should be associated with customer number 72136 and that all correspondence for the above-identified application should be sent to the address associated with customer number 72136, which is ANDERSON TMP, INC, 1903 60 TH PLACE E, SUITE M5103, BRADENTON FL. The USPTO normally mails correspondence directly to the applicants, unless they are represented by an individual registered to practice before the USPTO. In order to practice before the USPTO, an attorney and/or agent must have a valid USPTO registration number as specified in 37 C.F.R. §132; *Manual of Patent Examination Procedure* (MPEP) §402. Mr. Gardner, the registered practitioner associated with the above indicated customer number (72136) has indicated to the Office that he is not associated with the customer number and has not had any involvement with the applications associated with the customer number.

Darren Gardner has been removed from the Customer Number associated with this application. Applicant is reminded that there is no attorney of record at this time.

Therefore, the designation of the customer number, which lists Mr. Gardner as having power of attorney and the correspondence address is void, *ab initio*. We will not recognize the appointment and all correspondence concerning this application must be signed by: 1) all named applicants (inventors), 2) all the owners of the rights to the invention, or 3) a registered attorney or agent duly appointed by the inventor(s) or the owner(s). Furthermore, all communications from the Office will be addressed to the first named inventor, unless specific instructions to the contrary are supplied by the applicant(s) for patent or owner(s).

While an applicant may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is, therefore, encouraged to secure the services of a registered patent attorney or agent (i.e., registered to practice before the U.S. Patent and Trademark Office) to prosecute the application, since the value of a patent is largely dependent upon skillful preparation and prosecution.

Since, it appears that applicant is not currently represented by, and if he wishes to obtain the services of, a registered attorney or agent, a listing of registered patent attorneys and agents is available online at https://oedci.uspto.gov/OEDCI/, or by calling the Office of Enrollment and Discipline at (571) 272-4097. Applicant may also obtain a list of registered patent attorneys and agents located in their area by writing to Mail Stop OED, Commissioner for Patents, Post Office Box 1450, Alexandria, VA 22313-1450. The Office cannot, however, aid in selecting an attorney or agent.

Information concerning the filing and/or prosecution of a patent application in the absence of an attorney or agent, including how to obtain forms, is available online at www.uspto.gov, or at the direct link for the Inventors Assistance Center http://www.uspto.gov/web/offices/pac/dapp/pacmain.html. The Inventors Assistance Center may also be contacted by calling (800) 786-9199, and by asking the operator for the Inventors Assistance Center.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7709. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

/Mark Polutta /
Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

cc: ANDERSON TMP , INC
1903 60 TH PLACE E
SUITE M5103
BRADENTON FL

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Yongzhi Mao
No. 18, Fuquan Road
Changping District
Beijing 102200
China

MAILED

FEB 10 2012

OFFICE OF PETITIONS

In re Application of :
Mao et al. :
Application No. 12/297,494 :
International Filing Date: April 17, 2006 :
Attorney Docket No. CE171008.2 :

This is a decision on the letter from Darren Gardner, reg. no 54,113, filed January 10, 2012, stating that he is not associated with customer numbers: 69109; 14776; 69373; 72136; 92958 and 14392.

Applicant has specified that the power of attorney should be associated with customer number 72136 and that all correspondence for the above-identified application should be sent to the address associated with customer number 72136, which is ANDERSON TMP, INC, 1903 60 TH PLACE E, SUITE M5103, BRADENTON FL. The USPTO normally mails correspondence directly to the applicants, unless they are represented by an individual registered to practice before the USPTO. In order to practice before the USPTO, an attorney and/or agent must have a valid USPTO registration number as specified in 37 C.F.R. §132; *Manual of Patent Examination Procedure* (MPEP) §402. Mr. Gardner, the registered practitioner associated with the above indicated customer number (72136) has indicated to the Office that he is not associated with the customer number and has not had any involvement with the applications associated with the customer number.

Darren Gardner has been removed from the Customer Number associated with this application. Applicant is reminded that there is no attorney of record at this time.

Therefore, the designation of the customer number, which lists Mr. Gardner as having power of attorney and the correspondence address is void, *ab initio*. We will not recognize the appointment and all correspondence concerning this application must be signed by: 1) all named applicants (inventors), 2) all the owners of the rights to the invention, or 3) a registered attorney or agent duly appointed by the inventor(s) or the owner(s). Furthermore, all communications from the Office will be addressed to the first named inventor, unless specific instructions to the contrary are supplied by the applicant(s) for patent or owner(s).

While an applicant may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is, therefore, encouraged to secure the services of a registered patent attorney or agent (i.e., registered to practice before the U.S. Patent and Trademark Office) to prosecute the application, since the value of a patent is largely dependent upon skillful preparation and prosecution.

Since, it appears that applicant is not currently represented by, and if he wishes to obtain the services of, a registered attorney or agent, a listing of registered patent attorneys and agents is available online at https://oedci.uspto.gov/OEDCI/, or by calling the Office of Enrollment and Discipline at (571) 272-4097. Applicant may also obtain a list of registered patent attorneys and agents located in their area by writing to Mail Stop OED, Commissioner for Patents, Post Office Box 1450, Alexandria, VA 22313-1450. The Office cannot, however, aid in selecting an attorney or agent.

Information concerning the filing and/or prosecution of a patent application in the absence of an attorney or agent, including how to obtain forms, is available online at www.uspto.gov, or at the direct link for the Inventors Assistance Center http://www.uspto.gov/web/offices/pac/dapp/pacmain.html. The Inventors Assistance Center may also be contacted by calling (800) 786-9199, and by asking the operator for the Inventors Assistance Center.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7709. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

/Mark Polutta /
Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

cc: ANDERSON TMP , INC
1903 60 TH PLACE E
SUITE M5103
BRADENTON FL

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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FLEIT GIBBONS GUTMAN BONGINI & BIANCO PL
21355 EAST DIXIE HIGHWAY
SUITE 115
MIAMI FL 33180

MAILED

OCT 24 2011

OFFICE OF PETITIONS

In re
Nied, et al.
Application No. 12/297,510
Filed: March 11, 2009
Attorney Docket No. 7700-X08-024

DECISION

This is a decision on the fee deficiency submission under 37 CFR 1.28(c), filed September 23, 2011.

The fee deficiency submission under 37 CFR 1.28 of $800 is hereby accepted.

The change of status to large entity has been entered.

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

Cliff Congo
Petitions Attorney
Office of Petitions

Docket No. 333639US0PCT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Kenichi FUKUOKA, et al.

SERIAL NO:	12/297,520	EXAMINER:	WILSON, MICHAEL H.
FILED:	October 17, 2008	GROUP ART UNIT:	1786

FOR: ORGANIC LIGHT-EMITTING DEVICE

PETITION UNDER 37 C.F.R. § 1.102

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Special status under the Backlog Reduction Plan is sought for the above-identified application. Copending application number 11/995,400 has been expressly abandoned as required. A copy of the express abandonment filed in the copending application is submitted herewith.

The expressly abandoned application and the instant application are held by the same assignee(s) Idemitsu Kosan Co., Ltd.

Applicant has not filed petitions in more than fourteen other applications requesting special status under this program.

Copied from 12167725 on 12/27/2010

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

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.

Richard L. Treanor
Registration No. 36,379

Jacob A. Doughty
Registration No. 46,671

Customer Number
22850
Tel. (703) 413-3000
Fax. (703) 413-2220
(OSMMN 08/10)

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Electronic Acknowledgement Receipt

EFS ID:	9041701
Application Number:	11995400
International Application Number:	
Confirmation Number:	7540
Title of Invention:	COPY NITROGEN-CONTAINING HETEROCYCLIC DERIVATIVE HAVING ELECTRON-ATTRACTING SUBSTITUENT AND ORGANIC ELECTROLUMINESCENCE ELEMENT USING THE SAME
First Named Inventor/Applicant Name:	Chishio Hosokawa
Customer Number:	22850
Filer:	Marvin Jay Spivak/Michelle Munday
Filer Authorized By:	Marvin Jay Spivak
Attorney Docket Number:	320663US0PCT
Receipt Date:	15-DEC-2010
Filing Date:	13-MAR-2008
Time Stamp:	15:08:42
Application Type:	U.S. National Stage under 35 USC 371

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		320663USABANDON.PDF	95787 97a840abad92ce59ec8d4befc0d09a9c4bb3a945	yes	3

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	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Miscellaneous Incoming Letter	1	1
	Letter Express Abandonment of the application	2	3
Warnings:			
Information:			
	Total Files Size (in bytes):	95787	

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

COPY

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OBLON SPIVAK

Docket No.: 320663US0PCT

ATTORNEYS AT LAW

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JACOB A. DOUGHTY
(703) 413-3000
JDOUGHTY@OBLON.COM

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

COPY

RE: Application Serial No.: 11/995,400
Applicants: Chishio HOSOKAWA, et al.
Filing Date: March 13, 2008
For: NITROGEN-CONTAINING HETEROCYCLIC DERIVATIVE HAVING ELECTRON-ATTRACTING SUBSTITUENT AND ORGANIC ELECTROLUMINESCENCE ELEMENT USING THE SAME
Group Art Unit: 1794
Examiner: CROUSE, BRETT ALAN

SIR:

Attached hereto for filing are the following papers:

EXPRESS ABANDONMENT UNDER 37 CFR 1.138(a)

Credit card payment is being made online (if electronically filed), or is attached hereto (if paper filed), in the amount of **$0.00** to cover any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. **15-0030**. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.

Richard L. Treanor
Registration No. 36,379

Jacob A. Doughty
Registration No. 46,671

Customer Number
22850
(703) 413-3000 (phone)
(703) 413-2220 (fax)
(OSMMN 10/09)

Copied from 12167725 on 12/27/2010

COPY

Docket No. 320663US0PCT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Chishio HOSOKAWA, et al.

SERIAL NO: 11/995,400 EXAMINER: CROUSE, BRETT ALAN

FILED: March 13, 2008 GROUP ART UNIT: 1794

FOR: NITROGEN-CONTAINING HETEROCYCLIC DERIVATIVE HAVING ELECTRON-ATTRACTING SUBSTITUENT AND ORGANIC ELECTROLUMINESCENCE ELEMENT USING THE SAME

EXPRESS ABANDONMENT UNDER 37 CFR 1.138(a)

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Applicant(s) request that the above-identified application be expressly abandoned as of the filing date of this paper.

Applicant(s) has not and will not file an application that claims the benefit of this application.

Applicant(s) has not and will not file a new application that claims the same invention claimed in the instant application.

Applicant(s) agrees not to request a refund of any fees paid in this application.

A petition under 37 CFR 1.102 is being filed concurrently herewith in application serial number 12/297,520 for which special status is sought by abandonment of the instant application under the Application Backlog Reduction Stimulus Plan.

The instant application and the application for which special status is being sought under the Application Backlog Reduction Stimulus Plan are held by the same assignee(s) Idemitsu Kosan Co., Ltd.

Copied from 12167725 on 12/27/2010

Applicant(s) has not received special status for more than fourteen (14) other applications under this program.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.

Richard L. Treanor
Registration No. 36,379

Jacob A. Doughty
Registration No. 46,671

Customer Number
22850
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(OSMMN 08/10)

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

MAILED

DEC 29 2010

OFFICE OF PETITIONS

In re Application of :
KUKUAWA, et al. :
Application No. 12/297,520 :
35 U.S.C. 371 Date: October 20, 2008 :
Int. Appl. No.: PCT/JP2007/058146 :
Int. File Date: April 13, 2007 :
Attorney Docket No. **333639US0PCT** :

DECISION ON PETITION
TO MAKE SPECIAL
37 CFR 1.102

This is a decision on the petition under 37 CFR 1.102, filed December 15, 2010, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009) and 75 Federal register Notice 36063 (June 24, 2010). A duplicate petition was also filed December 16, 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

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BARNES & THORNBURG LLP
11 SOUTH MERIDIAN
INDIANAPOLIS, IN 46204

MAILED

MAR 07 2011

OFFICE OF PETITIONS

In re Application of	:	
Christopher W. Foye, et al.	:	
Application No. 12/297,585	:	DECISION GRANTING PETITION
Filed: October 17, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 2835-207299	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed March 4, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on February 11, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries 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 3636 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

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

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

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OFFICE OF PETITIONS

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

In re Application of
PAJOUHESH, Hassan et al.
Application No. 12/297,596
Filed: June 24, 2009
Attorney Docket No. **381092002400**

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 03, 2010.

The request is **NOT APPROVED**.

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

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

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

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

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

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

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

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

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MAILED
FEB 24 2012
OFFICE OF PETITIONS

Jukka Aula
Koivuviita 10 H
Espoo 02130 FI

Application No. 12/297,614 : LETTER
Filed: October 17, 2008 :

This is in reply to the communications filed February 9, 2012 petitioning the Director to withdraw this allowed application from issue and change the inventorship of the application.

As a third party to an *ex parte* proceeding, petitioner is not in a position to request that the USPTO act as requested unless specifically authorized by statute or regulation. In particular, neither the patent statute nor its implementing regulation confer a right upon a third party to intervene or otherwise challenge the Office's decisions on the matters raised in the petitions. Information submitted to the Office regarding a patent application that is not in reexamination must be consistent with 35 USC § 122(c), 37 CFR §§ 1.99, 1.291 and 1.292, and/or the standards discussed in MPEP § 1901, as discussed in the USPTO *Official Gazette* Notice published 22 April 2003. The actions requested by the third party here are not specifically authorized by statute or regulation, and the communication is not a proper submission under 35 USC § 122(c), 37 CFR § 1.99, 1.291 and 1.292 and/or the standards discussed in MPEP § 1901. Since petitioner lacks standing, the Office will not act as requested.

In addition, the Office's refusal to act on petitioner's requests is consistent with well-established case law for third party filings. See, Hallmark Cards Inc. v. Lehman, 959 F.Supp. 539, 42 USPQ2d 1134 (D.D.C. 1997) (third party lacked jurisdiction and standing to challenge USPTO's issuance of a Certificate of Correction); Hitachi Metals Ltd. v. Quigg, 776 F.Supp 3, 20 USPQ2d 1920, (Fed. Cir. 1989) (third party lacked jurisdiction and standing to overturn USPTO decision to grant a reissue patent); Syntex v. United States Patent and Trademark Office, 882 F.2d 1570, 11 USPQ2d 1866, (Fed. Cir. 1989) (third party requester lacked standing to overturn USPTO decision to issue a reexamination certificate); The Boeing Company v. Commissioner of Patents and Trademarks, 853 F.2d 878, 7 USPQ2d 1487 (Fed. Cir. 1988) (third party requester lacked standing to intervene in district court proceeding stemming from USPTO reexamination decision).

Moreover, interference may be declared with either a pending application, or with one that has issued as a patent. 35 USC 135(a); 37 CFR 1.601(i). Even assuming, *arguendo*, that petitioner has standing to invoke, or request to invoke 37 CFR 1.313, in view of the aforementioned fact that an interference may be declared between an application, or a patent arising from that application, petitioner has failed to advance any compelling reason for withdrawing an

application that is asserted by petitioner to have been allowed, from issue. The statutes and regulations adequately provide for petitioner's requested interference with this case, whether this case is in the form of a pending application, or an issued patent, and, as such, do not afford petitioner any reasonable basis to request that the timely issuance of an application that is asserted to have been allowed, be disturbed.

Further in this regard, to create a right in a third party to challenge a result favorable to applicant herein would be unprecedented, and such a right cannot be inferred. Syntex at 1575, 11 USPQ2d at 1870. Accordingly, as a third party, petitioner may not request to withdraw this application from issue, or to otherwise intervene.

Rather than pursue relief by petition to the USPTO, petitioner's recourse is to challenge the patent itself in an interference proceeding or in litigation. See Hallmark Cards, 959 F. Supp. at 543.

The third party communications filed February 9, 2012 will not be made of record in the file of the above cited application. Accordingly, the third party communications filed February 9, 2012 will be closed in the Office's Image File Wrapper (IFW) records for the above identified application.

Also, any petition fees already paid by the third party petitioner will be refunded.

Christopher Bottorff
Petitions Examiner
Office of Petitions

cc : BIRCH STEWART KOLASCH & BIRCH
P.O. BOX 747
FALLS CHURCH, VA 22040-0747

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Jukka Aula
Koivuviita 10 H
Espoo 02130 FI

MAILED
MAR 21 2012
OFFICE OF PETITIONS

In re Application of: Jukka Tapio Aula :
Application No.: 12/297,614 :
Filed: April 20, 2007 : LETTER
For: SMS INQUIRY AND INVITATION DISTRIBUTION METHOD AND SYSTEM :

This letter is in response to the document submitted March 8, 2012, entitled "Request for Reconsideration of Decision Dismissing Request to Withdraw Allowed Application from Issue".

The requester has asked for supervisory review of the letter mailed February 24, 2012, and a review has been made of the February 24, 2012 letter. From this review, no error has been found in the letter. It should be noted that if the requester has a dispute with the applicant, recourse is with a court of competent jurisdiction or by way of interference. With regards to the Finnish Court's action, unless and until requester gets a U. S. court of competent jurisdiction to certify his judgment, any action on the part of the USPTO would be premature. Finally, there is no need to act hastily in this case since a remedy, if required, can be had after issuance.

The third party communications filed March 8, 2012 will not be made of record in the file of the above cited application. Accordingly, the third party communications filed March 8, 2012 will be closed in the Office's Image File Wrapper (IFW) records for the above identified application.

Anthony Knight
Director
Office of Petitions
(571) 272-3687

cc: BIRCH STEWART KOLASCH & BIRCH
P.O. BOX 747
FALLS CHURCH, VA 22040-0747

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DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

Seed Intellectual Property Law Group PLLC
701 Fifth Avenue, Suite 5400
Seattle WA 98104

In re Application of
DUAN, JINSONG, et al.
Application No. 12/297,617
Filed: October 17, 2008
Attorney Docket No. **733156.412USPC**

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed August 16, 2010.

The request and petition are **GRANTED**.

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

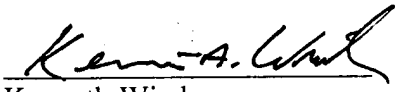
(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

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

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

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

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



Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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CHOATE, HALL & STEWART LLP
TWO INTERNATIONAL PLACE
BOSTON MA 02110

MAILED

DEC 0 6 2010

OFFICE OF PETITIONS

In re Application of :
Robert Morrison Bowman et al. :
Application No. 12/297,824 : DECISION ON PETITION
Filed: March 16, 2009 : TO WITHDRAW
Attorney Docket No. 2006982-0016 : 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 request to change the correspondence address is not that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71. If an assignee has ownership in this application, then a current Statement under 37 CFR 3.73(b) or a copy of the actual assignment must be provided with a renewed request.

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

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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NIELSEN IP LAW LLC
1177 WEST LOOP SOUTH
SUITE 1600
HOUSTON TX 77027

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OFFICE OF PETITIONS

In re Application of :
Ronen, et al. :
Application No. 12/297,832 : DECISION
Filed/Deposited: 20 October, 2008 :
Attorney Docket No. 07P15WOUS :

This is a decision on the petition filed on 1 August, 2011, for revival of an application abandoned due to unintentional delay under 37 C.F.R. §1.137(b).

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

Any request for reconsideration of this decision or any petition in the alternative is to be filed **within two (2) months** from the mail date of this decision. *Note* 37 C.F.R. §1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 C.F.R. §1.181 to Withdraw the Holding of Abandonment," and/or "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:

Petitioner failed to reply timely and properly to the Restriction Requirement mailed on 24 January, 2011, with reply due absent extension of time on or before 24 February, 2011.

The application went abandoned by operation of law after midnight 24 February, 2011.

It does not appear that the Office mailed the Notice of Abandonment before a petition was filed.

On 1 August, 2011, Petitioner filed a petition, but without a fee apparent, pursuant to 37 C.F.R. §1.137(b) with an averred reply in the form of a continuation application, but no showing of such (e.g., a copy of a filing acknowledgment), and an averment of unintentional delay. Petitioner also appeared to have submitted after the expiration of the statutory period a request and fee for extension of time, which Petitioner as one registered to practice before the Office knew or should have known was not proper—and the fee is refunded by credit card. Should Petitioner later find that the fee was not refunded, Petitioner should include a copy of this decision in the request to the Office of Finance.

The Office mailed the Notice of Abandonment on 8 August, 2011.

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

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

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994). And the regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application.[2,3]

---

[1] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §11.18, formerly §10.18, to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

[2] See: Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. at 53158-59 (October 10, 1997), 1203 Off. Gaz. Pat. Office at 86-87 (October 21, 1997).

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.[4]

As to Allegations of
Unintentional Delay

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

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.

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[3] The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition. (Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.) Delays in responding properly raise the question whether delays are unavoidable. Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) And the Petitioner must be diligent in attending to the matter. Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care. (By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.))

[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).

CONCLUSION

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

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

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

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

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

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[5]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

[5] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

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NIELSEN IP LAW LLC
1177 WEST LOOP SOUTH
SUITE 1600
HOUSTON TX 77027

MAILED
JAN 09 2012
OFFICE OF PETITIONS

In re Application of :
Ronen, et al. :
Application No. 12/297,832 : DECISION
Filed/Deposited: 20 October, 2008 :
Attorney Docket No. 07P15WOUS :

This is a decision on the petition filed on 27 September, 2011, for revival of an application abandoned due to unintentional delay under 37 C.F.R. §1.137(b).

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

As to the Allegations
of Unintentional Delay

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

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the Restriction Requirement mailed on 24 January, 2011, with reply due absent extension of time on or before 24 February, 2011.

The application went abandoned by operation of law after midnight 24 February, 2011.

It does not appear that the Office mailed the Notice of Abandonment before a petition was filed.

On 1 August, 2011, Petitioner filed a petition, but without a fee apparent, pursuant to 37 C.F.R. §1.137(b) with an averred reply in the form of a continuation application, but no showing of such

(e.g., a copy of a filing acknowledgment), and an averment of unintentional delay. Petitioner also appeared to have submitted after the expiration of the statutory period a request and fee for extension of time, which Petitioner as one registered to practice before the Office knew or should have known was not proper—and the fee was refunded by credit card. The petition was dismissed on 7 September, 2011.

(The Office mailed the Notice of Abandonment on 8 August, 2011.)

On 29 September, 2011, Petitioner re-advanced the petition and made a showing of a reply in the form of a continuation application, to wit: Application 13/195,640. The petition fee not paid herein apparently was misfiled by Petitioner on the continuation application and that fee is now transferred to the instant application

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

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

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

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994). And the regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application.[2],[3]

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[1] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §11.18, formerly §10.18, to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

[2] See: Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. at 53158-59 (October 10, 1997), 1203 Off. Gaz. Pat. Office at 86-87 (October 21, 1997).

[3] The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition. (Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.) Delays in responding properly raise the question whether delays are unavoidable. Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) And the Petitioner must be diligent in attending to the matter. Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care. (By contrast,

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.[4]

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** (for the purposes of continuity).

The instant application is released to the Technology Center/AU 1657 for further processing for continuity in due course.

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

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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.))

[4] In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however , that all practice before the Office is in writing (see: 37 C.F.R. §1.2[5]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

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

§1.2 Business to be transacted in writing.

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

15 SEP 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

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

21269
PEPPER HAMILTON LLP
One Mellon Center, 50th Floor
500 Grant Street
Pittsburgh, PA 15219

In re Application of
BERGSTROM *et al*
U.S. Application No.: 12/297,835
PCT No.: PCT/EP2007/053466
Int. Filing Date: 10 April 2007
Priority Date: 20 April 2006
Attorney Docket No.: 134736.00401
For: SYNCHRONIZATION OF SPREADER TWIST-LOCKS IN TWIN LIFT OPERATIONS

DECISION

This decision is in response to the papers filed 06 July 2010 which are treated as a petition under 37 CFR 1.182.

BACKGROUND

On 20 October 2008, applicant entered the national stage of PCT/EP2007/22101 using the USPTO EFS-Web system. As such, the Office processed the application as the national stage of PCT/EP2007/22101 as requested.

On 08 December 2008, applicant filed a paper titled "Request to Correct Priority Date" which was actually a request to change the PCT number to PCT/EP2007/053466. This was treated as a petition under 37 CFR 1.181. No fee was required.

On 05 May 2010, a decision dismissing applicant's petition under 37 CFR 1.181 was mailed. Applicant was informed that a petition under 37 CFR 1.182 was required to correct the PCT number. Applicant was given two months to respond.

On 06 July 2010, applicant filed the subject response.

DISCUSSION

In the subject response, applicant claims that the above-captioned application was filed as the national stage of PCT/EP2007/053466. Applicant's state that they erroneously entered the publication number instead of the PCT number upon initial filing using the USPTO EFS-Web system. Applicant claims that they may "file a request for a Request for Corrected Filing Receipt if necessary after the Filing Receipt

Receipt is issued." That is not the case.

A national stage application is the national stage of only a single international application. To enter the national phase in the United States, applicant is required to state the international application number. As applicant has listed conflicting international application numbers, applicant is required to identify which application number is correct and to furnish a petition under 37 CFR 1.182 along with the fee to correct the erroneous indication.

After a telephone discussion with counsel on 14 September 2010, the subject response will be treated as a petition under 37 CFR 1.182 to correct the underlying PCT number. The $400.00 petition fee has been charged to Deposit Account No. 50-0436 as authorized.

A review of the above-captioned application file verifies that the wrong PCT number was identified (PCT/EP2007/22101) when filing the application electronically using the USPTO EFS-Web system. The preliminary amendment, specification, drawings and claims list the international application as PCT/EP2007/053466. Moreover, the name of the inventors, the title, and the international filing date correspond to PCT/EP2007/053466. As such, it is clear that the subject application was intended to be filed as the national stage of PCT/EP2007/053466.

CONCLUSION

Applicants' petition under 37 CFR 1.182 is **GRANTED**.

USPTO records have been changed to reflect that the above-captioned application is the national stage of PCT/EP2007/053466.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

24 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
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WRB-IP LLP
1217 KING STREET
ALEXANDRIA VA 22314

In re Application of	:	
Naske et al.	:	
Application No.: 12/297,876	:	DECISION
PCT No.: PCT/EP2007/002666	:	
Int. Filing Date: 27 March 2007	:	ON
Priority Date: 21 April 2006	:	
Attorney Docket No.: 000035-001	:	PETITION
For: Method And Devices For Calibrating A Display Unit Comprising A Display And Autostereoscopic Adapter Disc:	:	

This is in response to the renewed petition under 37 CFR 1.47(a) filed on 22 July 2010.

DISCUSSION

In a Decision mailed on 25 May 2010, the petition under 37 CFR 1.47(a) filed on 08 April 2010 was dismissed, without prejudice, because

> Atty. Heun further indicates that the letter was returned as undeliverable. As such, the newly-presented evidence cannot be reasonably construed as establishing Ms. Cochius' refusal to execute the application after having been presented with a copy of the application and an oath or declaration for execution; rather, it suggests that she may no longer reside at that address. Under these circumstances, it would be appropriate to establish whether Ms. Cochius could not be found or reached after diligent efforts, as described at MPEP 409.03(d).

In response, petitioner has provided a "Statement of Facts..." signed by Thomas Heun, who describes his efforts to locate Gabriela Cochius. Atty. Heun references and provides copies of telephone directory searches. He also describes efforts undertaken to find Ms. Cochius via a German language "press publication," a copy of which has been provided. However, petitioner has not provided an English translation. To the extent that petitioner seeks to rely on this evidence to establish that the non-signing inventor could not be found or reached, it would be appropriate to furnish a translation. Atty. Heun states that he "found out that" Mrs. Cochius was employed by "3D Television Systems...," but it is not clear whether this information was obtained as part of the efforts undertaken related to this petition. If so, what steps were taken to obtain said information? Clarification would be appropriate.

DECISION

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

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

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

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

United States Patent and Trademark Office

MAILED

FEB 17 2011

PCT LEGAL ADMINISTRATION

Commissioner for Patents
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P.O. Box 1450
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WRB-IP LLP
801 N. Pitt Sreet , Suite 123
ALEXANDRIA VA 22314

In re Application of	:	
Naske et al.	:	
Application No.: 12/297,876	:	DECISION
PCT No.: PCT/EP2007/002666	:	
Int. Filing Date: 27 March 2007	:	ON
Priority Date: 21 April 2006	:	
Attorney Docket No.: 000035-001	:	PETITION
For: Method And Devices For Calibrating A Display Unit Comprising A Display And Autostereoscopic Adapter Disc:	:	

This is in response to the renewed petition under 37 CFR 1.47(a) filed on 20 December 2010.

DISCUSSION

In a Decision mailed on 24 September 2010, the renewed petition under 37 CFR 1.47(a) filed on 22 July 2010 was dismissed, without prejudice, because

> ... petitioner has provided a "Statement of Facts..." signed by Thomas Heun, who describes his efforts to locate Gabriela Cochius. Atty. Heun references and provides copies of telephone directory searches. He also describes efforts undertaken to find Ms. Cochius via a German language "press publication," a copy of which has been provided. However, petitioner has not provided an English translation. To the extent that petitioner seeks to rely on this evidence to establish that the non-signing inventor could not be found or reached, it would be appropriate to furnish a translation. Atty. Heun states that he "found out that" Mrs. Cochius was employed by "3D Television Systems...," but it is not clear whether this information was obtained as part of the efforts undertaken related to this petition. If so, what steps were taken to obtain said information? Clarification would be appropriate.

In response, petitioner has provided a "Supplemental Statement of Facts..." signed by Thomas Heun, who introduces a translation of the previously mentioned "press publication" and explains that "I conducted an internet search for her name..." Taken with the evidence already of record, these statements (and supporting translation) adequately satisfy the requirements of the decision mailed on 24 September 2010. As such, all of the requirements for relief under 37 CFR 1.47(a) now have been satisfied.

DECISION

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 the non-signing inventor at her 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 **28 October 2009**..

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

United States Patent and Trademark Office

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MAILED

FEB 17 2011

PCT LEGAL ADMINISTRATION

Gabriella Cochius
St. Mechtildisstr. 2a
86991 Diessen
GERMANY

In re Application of
Naske et al.
Application No.: 12/297,876
PCT No.: PCT/EP2007/002666
Int. Filing Date: 27 March 2007
Priority Date: 21 April 2006
Attorney Docket No.: 000035-001
For: Method And Devices For Calibrating A Display Unit Comprising A Display And Autostereoscopic Adapter Disc

Dear Ms. Cochius
:

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

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

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

Any further correspondence with respect to this matter 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

WRB-IP LLP
801 N. Pitt Sreet , Suite 123
ALEXANDRIA VA 22314

United States Patent and Trademark Office

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OFFICIAL GAZETTE NOTICE

37 CFR 1.47 Notice by Publication

Notice is hereby given of the filing of an application with a petition under 37 CFR 1.47 requesting acceptance of the application without the signature of a joint inventor. The petition has been granted. A notice has been sent to the last known address of the non-signing inventor. The inventor whose signature is missing (Gabriela COCHIUS) may join in the application by promptly filing an appropriate oath or declaration complying with 37 CFR 1.63. The international application number is PCT/EP2007/002666 and was filed on March 27, 2007 in the names of Rolf-Dieter NASKE, Gabriela COCHIUS and Ivo-Henning NASKE for the invention entitled METHOD AND DEVICES FOR CALIBRATING A DISPLAY UNIT COMPRISING A DISPLAY AND AUTOSTEREOSCOPIC ADAPTER DISC. The national stage application number is 12/297,876 and has a 35 U.S.C. 371(c)(1), (2) and (4) date of October 28, 2009.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/297,946	10/21/2008	Yoshitomo Kimura	333671US0PCT	2917

22850 7590 06/08/2011

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

EXAMINER	
MESH, GENNADIY	
ART UNIT	**PAPER NUMBER**
1763	
NOTIFICATION DATE	**DELIVERY MODE**
06/08/2011	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):

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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wk

Mailed: 6/8/11

In re Application of	:	DECISION ON
Kimura et al.	:	PETITION
Serial No. 12/297,946	:	
Filed: October 21, 2008	:	
For: **POLYESTER FOR TONER**		

This is a decision on the PETITION FILED UNDER 37 CFR 1.144 filed on March 10, 2011.

The Examiner on November 5, 2010 made a restriction requirement for claims 1-9 under lack of unity.

Group I, claims 1-8 drawn to polyester.

Group 2, claim 9 drawn to a toner comprising polyester.

The Examiner asserts that Groups 1 and 2 lack unity of invention because even though the inventions of these groups require the technical feature as polyester, this technical feature is not a special technical feature as it does not make a contribution over the prior art in view of Berry et al. (US 3,652,474). The Examiner pointed out that Berry discloses a composition comprising polyester obtained by polycondensation of alcohol component and acid component, comprising acrylic acid modified resin.

Whether or not any particular technical feature makes a "contribution" over the prior art, and therefore constitutes a "special technical feature," is considered with respect to novelty and inventive step. Although lack of unity of invention should certainly be raised in clear cases, it should neither be raised nor persisted in on the basis of a narrow, literal or academic approach. Berry et al. is drawn to a hot-melt adhesive composition containing a rosin polyester. Berry et al neither discloses nor suggests that their rosin polyester would have any use as a toner.

DECISION

The petition is **GRANTED.**

The restriction requirement is withdrawn.

12/297,946

_/Yvonne Eyler/
Director, Technology Center 1700_____

Yvonne L. Eyler, Director
Technology Center 1700
Chemical and Materials Engineering

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 03/16/12
TO SPE OF : ART UNIT 2857
SUBJECT : Request for Certificate of Correction for Appl. No.: 12297959 Patent No.: 8121800

CofC mailroom date: 03/07/12

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 be made in the Title?**

Lamonte Newsome
Certificates of Correction Branch
571-272-3421

Thank You For Your Assistance

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

☒ **Approved** — **All** changes apply.

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

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

Comments: OK TO CHANGE TITLE

DREW A. DUNN
SUPERVISORY PATENT EXAMINER
SPE

2857
Art Unit

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

MAILED

DEC 06 2010

OFFICE OF PETITIONS

In re Application of	:	
SEZER, Sakir et al.	:	
Application No. 12/298,017	:	DECISION ON PETITION
Filed: October 21, 2008	:	TO WITHDRAW
Attorney Docket No. **2006982-0017**	:	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 C.F.R 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

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

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

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **FOLEY & LARDNER LLP**
111 HUNTINGTON AVENUE
26TH FLOOR
BOSTON, MA 02199-7610

UNITED STATES PATENT AND TRADEMARK OFFICE

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GRAYBEAL JACKSON LLP
400 - 108TH AVENUE NE
SUITE 700
BELLEVUE WA 98004

MAILED
JAN 24 2012
OFFICE OF PETITIONS

In re Application of :
Guarnera et al. :
Application No. 12/298,025 : ON PETITION
Filed: October 21, 2008 :
Attorney Docket No. 2110-297-03 (05-CT-315/DP :
For: PROCESS FOR MANUFACTURING A POWER SEMICONDUCTOR DEVICE HAVING CHARGE-BALANCE ...

This is a decision on the petition under 37 CFR 1.137(b), filed December 19, 2011. Petitioners allege non-receipt of the final Office action, mailed May 10, 2011. Therefore, the petition will be treated under 37 CFR 1.181 as a petition to withdraw the holding of abandonment, as well.

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

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

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

This application became abandoned for failure to timely reply to the final Office action, mailed May 10, 2011, which set an extendable three month period for reply. No extensions of time being obtained and no reply being filed, the application became abandoned on August 11, 2011. A Notice of Abandonment was mailed on December 6, 2011.

Petitioners allege the May 10, 2011 final Office action was not received at the correspondence address of record.

The showing required to establish non-receipt of an Office communication must include:

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.

2. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.[1]

A review of the record indicates no irregularity in the mailing of the May 10, 2011 final Office action, and in the absence of any irregularity there is a strong presumption that the communication was properly mailed to the applicants at the correspondence address of record. This presumption may be overcome by a showing that the aforementioned communication was not in fact received.

The showing in the instant petition is not sufficient to withdraw the holding of abandonment because practitioner did not attest to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. Practitioner did not include a master docket record, only a docket record for the specific matter.

The constructive petition under 37 CFR 1.181 is dismissed.

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

(1) the required reply, unless previously filed.;
(2) the petition fee as set forth in 37 CFR 1.17(m);
(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and
(4) any terminal disclaimer (and fee set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d).

The instant petition does not satisfy requirement (1) above.

Petitioners are reminded that after a final Office action, there are only five possible replies: (1) a Notice of Appeal, (2) the filing of a continuing application, (3) a 37 CFR 1.129(a) submission, if appropriate, (4) an amendment after final that makes the case ready for issuance or (5) an RCE. To be a proper reply, an amendment after final must place the case in prima facie condition for allowance. Examiner Dehne has indicated that the reply filed December 19, 2011 fails to place the application in *prima facie* condition for allowance. Please see the enclosed Advisory Action Before the Filing of an Appeal Brief for more details.

The Office acknowledges receipt of the $1,860.00 Rule 137(b) petition fee.

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[1] *See* notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 O.G. 53 (November 16, 1993).

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

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
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By hand: U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

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

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

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

Enclosure: Advisory Action Before the Filing of an Appeal Brief for Application No. 12/298,025

Advisory Action Before the Filing of an Appeal Brief	Application No. 12/298,025	Applicant(s) GUARNERA ET AL.
	Examiner AARON DEHNE	Art Unit 2829

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

THE REPLY FILED 19 December 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: *The amendments to claim 1 would require further search and/or consideration*. (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: *1-9 and 35-38*.
   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: _____.

/Aaron A Dehne/
Examiner, Art Unit 2829

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GRAYBEAL JACKSON LLP
400 - 108TH AVENUE NE
SUITE 700
BELLEVUE WA 98004

MAILED

MAR 09 2012

OFFICE OF PETITIONS

In re Application of :
Guarnera et al. :
Application No. 12/298,025 : ON PETITION
Filed: October 21, 2008 :
Attorney Docket No. 2110-297-03 (05-CT-315/DP :
For: PROCESS FOR MANUFACTURING A POWER SEMICONDUCTOR DEVICE HAVING CHARGE-BALANCE ...

This is a decision on the renewed petition under 37 CFR 1.137(b), filed February 28, 2012.

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

This application became abandoned for failure to timely reply to the final Office action, mailed May 10, 2011, which set an extendable three month period for reply. No extensions of time being obtained and no reply being filed, the application became abandoned on August 11, 2011. A Notice of Abandonment was mailed on December 6, 2011.

Applicants have submitted a RCE and required $930.00 fee and amendment in reply to the May 10, 2011 final Office action, an acceptable statement of the unintentional nature of the delay in responding to the May 10, 2011 final Office action, and the $18600.00 petition fee. All requirements under 37 CFR 1.137(b) being met, the petition is granted.

After the mailing of this decision the application will be forwarded to Technology Center AU 2829 for consideration of the RCE and amendment filed on February 28, 2012.

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

29 SEP 2010

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ALEXANDRIA, VA 22313-1450
www.uspto.gov

GREER, BURNS & CRAIN
300 S WACKER DR
25TH FLOOR
CHICAGO IL 60606

In re Application of :
TROGLER *et al* :
Application No.: 12/298,075 :
PCT No.: PCT/US2007/010583 :
Int. Filing Date: 01 May 2007 : DECISION
Priority Date: 03 May 2006 :
Atty. Docket No.: 0321.74917 :
For: DETECTION OF NITRO- AND :
NITRATE-CONTAINING COMPOUNDS :

This is a decision on applicants' "RENEWED PETITION UNDER 37 C.F.R. 1.47(a)" filed in the U.S. Patent and Trademark Office (USPTO) on 05 May 2010, which requests that the application be accepted without the signature of one of the joint inventors, Zheng Wang, on the grounds that he cannot be found or reached after diligent effort. The petition is **GRANTED** as discussed below.

On 05 March 2010, this Office mailed a decision on applicants' initial petition. The petition was dismissed on the grounds that declaration of the inventors was not acceptable.

A review of the application file reveals that the present renewed petition was accompanied by, *inter alia*, an acceptable declaration of the inventors. Therefore the requirements of 37 CFR 1.47(a) have now been satisfied.

A further review of the application file reveals that the requirements for entry into the national stage in the U.S. under 35 U.S.C. 371 have also now been satisfied.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at the last known address of record as set forth in the present papers, and a notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

The application has an international filing date of **01 May 2007**, under 35 U.S.C. 363 and a date of **05 May 2010**, under 35 U.S.C. 371(c).

This application is being forwarded to the National Stage Processing Branch of the International Division for further processing in accordance with this decision.

Richard R. Cole
Senior PCT Legal Examiner
Office of PCT Legal Administration

(571) 272-3281

UNITED STATES PATENT and TRADEMARK OFFICE

29 SEP 2010

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

Zheng Wang
2126 Building 48
Peking University
100871, Beijing
CN

In re Application of
TROGLER *et al*
Application No.: 12/298,075
PCT No.: PCT/US2007/010583
Int. Filing Date: 01 May 2007
Priority Date: 03 May 2006
Atty. Docket No.: 0321.74917
For: DETECTION OF NITRO- AND NITRATE-CONTAINING COMPOUNDS

NOTIFICATION

Dear Zheng Wang:

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

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.497.

Richard R. Cole
Senior PCT Legal Examiner
Office of PCT Legal Administration

(571) 272-3281

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

DEC 06 2010

OFFICE OF PETITIONS

In re Application of :

Neale Bremner SMITH :
Application No. 12/298,091 : DECISION ON PETITION
Filed: February 6, 2009 : TO WITHDRAW
Attorney Docket No. 2006982-0018 : 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

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

MAILED

MAY 3 1 2011

OFFICE OF PETITIONS

In re Application of	:	
Peter S. Lu et al.	:	
Application No. 12/298,133	:	DECISION ON PETITION
Filed: June 12, 2009	:	TO WITHDRAW
Attorney Docket No. 020054-004142US	:	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 **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 no proper forwarding address was provided. The request to change the correspondence address should be that of the: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71. If an assignee has intervened in this application then a Statement under 37 CFR 3.73(b), or a copy of the actual assignment must be submitted with a renewed request.

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

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/298,234	02/03/2009	Rolf Schaerer	LNSSA-04-116	6084

26875 7590 03/02/2011

WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI, OH 45202

EXAMINER	
SWINNEY, JENNIFER B	
ART UNIT	**PAPER NUMBER**
3724	

MAIL DATE	DELIVERY MODE
03/02/2011	PAPER

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

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

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WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI OH 45202

In re Application of	:
SCHAERER, ROLF	: DECISION ON REQUEST TO
Application No. 12/298,234	: PARTICIPATE IN PATENT
Filed: Feb. 3, 2009	: PROSECUTION HIGHWAY
Attorney Docket No. LNSSA-04/116	: PILOT PROGRAM AND PETITION
FOR: INSTALLATION FOR SEQUENTIAL LOADING OF BARS OF MATERIAL INTO A MACHINING CENTER	: TO MAKE SPECIAL UNDER : 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed March 1, 2011 to make the above-identified application special.

The request and petition are Dismissed.

A grantable request to participate in the PPH program and petition to make special require:
(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the JPO, EPO, KIPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition met all conditions except Items #3 and #5 above.

With regard to Items #3 and #5, the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claims in the PCT application. The Claims Correspondence Table in the petition is deficient. Current US application contains claims 20-38 filed on March 1, 2011 which are not sufficiently corresponding to allowable claims 1-19 of PCT search report and search opinion of EP1 849 541. A list of PCT allowed claims 1-19 is not provided. A copy of PCT positive search opinion showing claims 1-19 satisfied novelty, industrial applicability and inventive steps is required. Thus, Item #3 is not satisfied and for this reason the petition can not be granted.

With regard to Item #3, a copy of PCT cited patent documents, if any, and a Form 1449 listing all cited patent document sis also required.

Applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

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

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

Petition is **dismissed**.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/298,234	02/03/2009	Rolf Schaerer	LNSSA-04-116	6084

26875 7590 03/25/2011

WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI, OH 45202

EXAMINER	
SWINNEY, JENNIFER B	
ART UNIT	PAPER NUMBER
3724	
MAIL DATE	DELIVERY MODE
03/25/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI OH 45202

In re Application of	:
SCHAERER, ROLF	: DECISION ON REQUEST TO
Application No. 12/298,234	: PARTICIPATE IN PATENT
Filed: Feb. 3, 2009	: PROSECUTION HIGHWAY
Attorney Docket No. LNSSA-04/116	: PILOT PROGRAM AND PETITION
FOR: INSTALLATION FOR SEQUENTIAL LOADING OF BARS OF MATERIAL INTO A MACHINING CENTER	: TO MAKE SPECIAL UNDER : 37 CFR 1.102(a)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed March 22, 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 JPO, EPO, KIPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Other inquiries concerning the examination or status of the application should be directed to Boyer Ashley, the SPE of Art Unit 3724 at 571-272-4502 for Class 82/126 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

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

This application will be forwarded and docketed to an examiner for action on the merits commensurate with this decision.

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

The petition is **granted.**

/Henry C. Yuen/

_____

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

UNITED STATES PATENT AND TRADEMARK OFFICE

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VOLPE AND KOENIG, P.C.
UNITED PLAZA
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103

MAILED

DEC 10 2010

OFFICE OF PETITIONS

In re Application of	:	
Park et al.	:	DECISION ON PETITION
Application No. 12/298,245	:	TO WITHDRAW
Filed: June 10, 2009	:	FROM RECORD
Attorney Docket No. JSK-PT018	:	

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 October 29, 2010.

The request is **NOT APPROVED**.

The Office no longer accepts address changes to a new practitioner or law firm filed with requests under 37 C.F.R. § 1.36(b). The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

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

All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

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

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

Alicia Kelley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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VOLPE AND KOENIG, P.C.
UNITED PLAZA
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103

MAILED

DEC 30 2010

OFFICE OF PETITIONS

In re Application of	:	
Park et al.	:	DECISION ON PETITION
Application No. 12/298,245	:	TO WITHDRAW
Filed: June 10, 2009	:	FROM RECORD
Attorney Docket No. JSK-PT018	:	

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 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 Stephen B Schott on behalf of all the practitioners of record associated with Customer Number 03624.

All attorneys/agents associated with Customer Number 03624 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

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

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

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: SOON HO PARK
102-103, CHOONGANG APTS., GEUMCHON-DONG
PAJU-SI 413-010 REPUBLIC OF KOREA

UNITED 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
12/298,245	06/10/2009	Soon Ho Park	JSK-PT018

CONFIRMATION NO. 6160

POWER OF ATTORNEY NOTICE

3624
VOLPE AND KOENIG, P.C.
UNITED PLAZA
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103

Date Mailed: 12/30/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/13/2010.

- 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.

/atkelley/

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
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LEE & HAYES, PLLC
601 W. RIVERSIDE AVENUE
SUITE 1400
SPOKANE WA 99201

MAILED

MAY 24 2011

PCT LEGAL ADMINISTRATION

In re Application of :
HU, et al. :
U.S. Application No.: 12/298,247 : DECISION ON PETITION
PCT No.: PCT/US2008/080797 :
Int. Filing Date: 22 October 2008 : UNDER 37 CFR 1.137(b)
Priority Date: 25 October 2007 :
Attorney Docket No.: AB1-0026US :
For: METHOD AND SYSTEM FOR PROCESSING :
ONLINE JOINT GUARANTEE :

The petition to revive under 37 CFR 1.137(b) filed 16 March 2011 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. § 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided an explanation in response to the Form PCT/DO/EO/905 mailed 28 April 2010 regarding the discrepancy as to the name of one of the inventors. As the discrepancy in question was the result of a transliteration error no petition is required. Therefore, the requirements of 37 CFR 1.137(b) have been satisfied and 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.

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing.

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

LACKENBACH SIEGEL, LLP
LACHENBACH SIEGEL BUILDING
1 CHASE ROAD
SCARSDALE, NY 10583

MAILED

NOV 14 2011

OFFICE OF PETITIONS

In re Application of :
Zhiguo Li :
Application No. 12/298,271 : DECISION ON PETITION
Filed: January 16, 2009 : TO WITHDRAW
Attorney Docket No. SNDRE.P001 : 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 31, 2011.

The request is **APPROVED**.

The request was signed by Andrew F. Young on behalf of the practitioners of record associated with Customer Number 28752.

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

All future correspondence will be directed to inventor Zhiguo Li 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: Zhiguo Li
8-3-503 Guang Linyan
Huang Hedao, Nankai District
Tianjin 300102 CHINA

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/298,271	01/16/2009	Zhiguo Li	SNDRE.P001

CONFIRMATION NO. 6395

POWER OF ATTORNEY NOTICE

28752
LACKENBACH SIEGEL, LLP
LACKENBACH SIEGEL BUILDING
1 CHASE ROAD
SCARSDALE, NY 10583

Date Mailed: 11/14/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/31/2011.

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

/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
12/298,271	01/16/2009	Zhiguo Li	SNDRE.P001

CONFIRMATION NO. 6395

POA ACCEPTANCE LETTER

Zhiguo Li
8-3-503 Guang Linyan
Huang Hedao, Nankai District
Tianjin, 300102
CHINA

OC000000050928931

Date Mailed: 11/14/2011

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/31/2011.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/idingle/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Date September 19, 2011

Patent No. :7975482
Ser. No. :12/298348
Inventor(s) :Werner FOPPE
Issued :October 24, 2008
Title :METHOD AND DEVICE FOR THE UTILIZATION OF SUPERCRITICAL :SUBSURFACE STEAM IN COMBINATION WITH SUPERCRITICAL :THERMAL AND HYDRAULIC POWER STATIONS

Re: Request for Certificate of Correction

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

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

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

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

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

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

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

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(703) 872-9306 ATTN: Office of Petitions
Electronic Filing	uspto.gov/ebc/index.html (must be registered as an e-filer) Support 1-866-217-9197 571-272-4100

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

Any inquiry concerning this communication should be directed to Ms. A. Green at 571-272-9005.

For Mary Diggs
Decisions & Certificates
of Correction Branch
(703) 756-1580 or (571) 272-9805

KF Ross PC
311 East York Street
Savannah, GA 31401-3814

/arg

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P.O. Box 1450
Alexandria, VA 22313-1450
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KF ROSS PC
311 EAST YORK STREET
SAVANNAH GA 31401

MAILED

MAR 13 2012

OFFICE OF PETITIONS

In re Patent No. 7,975,482 :
Issue Date: July 12, 2011 :
Application No. 12/298,348 : ON PETITION
Filed: July 6, 2009 :
Attorney Docket No. 24335 :

This is a decision on the petition filed February 25, 2012, under 37 CFR 3.81(b)[1] to correct the assignee's name on the front page of the above-identified patent by way of a Certificate of Correction.

The petition is **granted.**

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3210. Any questions concerning the issuance of the Certificate of Correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

This application is being forwarded to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Irvin Dingle
Petitions Examiner
Office of Petitions

[1] See Official Gazette of June 22, 2004

Doc Code: PET.RELIEF
Document Description: Certification and Request for Disaster Relief

PTO/SB/425 (03-11)

CERTIFICATION AND REQUEST FOR RELIEF DUE TO EVENTS OF MARCH 11, 2011, IN JAPAN (Page 1 of 2)

Nonprovisional Application Number or Control Number (if applicable):	Patent Number (if applicable):
12/298,366	
First Named Inventor:	Title of Invention:
Nanami TAKENO	GIP SECRETION INHIBITOR

APPLICANT/PATENTEE/REEXAMINATION PARTY HEREBY CERTIFIES AND REQUESTS THE FOLLOWING FOR THE ABOVE-IDENTIFIED APPLICATION/PATENT/REEXAMINATION PROCEEDING.

1. FOR PATENT APPLICATIONS AND REEXAMINATION PROCEEDINGS PENDING IN THE USPTO AS OF MARCH 11, 2011, IN WHICH A COMMUNICATION FROM THE USPTO IS SOUGHT TO BE REMAILED:

   a. One or more inventors, an assignee, or a correspondence address (for the application/proceeding) is in an area of Japan affected by the earthquake and/or tsunami of March 11, 2011.

   b. A reply or response to an Office action (final, non-final, or other), a notice of allowance, or other Office notice (hereinafter collectively referred to as "Office communication") is outstanding on March 11, 2011.

   c. The statutory or non-statutory time period set for response has not yet expired.

   d. Withdrawal and reissuance of the Office communication is requested.

   e. It is acknowledged that if this request is not made within sufficient time so that withdrawal and reissuance of the Office communication occur prior to expiration of the statutory or non-statutory time period (as permitted to be extended under 37 CFR 1.136(a), or as extended under 37 CFR 1.550(c) or 1.956), this request may not be granted.

   f. The need for the reissuance of the Office communication was due to the effects of the earthquake and/or tsunami of March 11, 2011.

   g. This request is being sent via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

2. FOR PATENTEES WHO WERE UNABLE TO TIMELY PAY A PATENT MAINTENANCE FEE DURING THE SIX-MONTH GRACE PERIOD FOLLOWING THE WINDOW TO PAY THE MAINTENANCE FEE:

   a. The original window of time to pay the maintenance fee without the surcharge required by 37 CFR 1.20(h) expired on or after March 11, 2011.

   b. The delay in paying the fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.

   c. The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(h) for paying a maintenance fee during the six-month grace period following the window to pay the maintenance fee.

   d. This request and payment of the maintenance fee during the six-month grace period following the window to pay the maintenance fee is being mailed to: Director of the United States Patent and Trademark Office, Attn: Maintenance Fee, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314; or being transmitted via facsimile to: 571-273-6500.

CERTIFICATION AND REQUEST FOR RELIEF DUE TO EVENTS OF MARCH 11, 2011, IN JAPAN (Page 2 of 2)

3. FOR PATENTEES WHO NEED TO FILE A PETITION TO ACCEPT A DELAYED MAINTENANCE FEE PAYMENT UNDER 37 CFR 1.378(c):

   a. The maintenance fee payment was required to have been paid after March 10, 2011.

   b. A petition under 37 CFR 1.378(c) (using USPTO form PTO/SB/66 – Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(c))) is being promptly filed accompanied by the applicable maintenance fee payment (but not the surcharge under 37 CFR 1.20(i)).

   c. The delay in payment of the maintenance fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.

   d. The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(i) for accepting a delayed maintenance fee payment.

   e. It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed by March 11, 2012, in order to be entitled to a waiver of the surcharge under 37 CFR 1.20(i).

   f. It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed within twenty-four months from the expiration date of the patent. *See* 35 U.S.C 41(c).

   g. This request and the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) is being submitted via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

4. FOR NONPROVISIONAL PATENT APPLICATIONS FILED WITHOUT AN EXECUTED OATH OR DECLARATION OR PAYMENT OF THE BASIC FILING FEE, SEARCH FEE, AND/OR EXAMINATION FEE:

   a. The nonprovisional patent application was filed on or after March 11, 2011, and prior to April 12, 2011.

   b. The late filing of the oath or declaration or the basic filing fee, search fee, or examination fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.

   c. The USPTO is requested to *sua sponte* waive the surcharge set forth in 37 CFR 1.16(f) for the late filing of the oath or declaration or basic filing fee, search fee, and/or examination fee.

   d. This request, together with the executed oath or declaration or the basic filing fee, search fee, or examination fee, as well as the reply to the Notice to File Missing Parts, is being submitted via EFS-Web or by mail directed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature Stephen G Baxter	Date 4-29-11
Name (Print/Typed) Stephen G. Baxter	Practitioner Registration Number 32,884

Note: *Signatures of all the inventors, § 1.41(b) applicants, or assignees of record of the entire interest or their representative(s), or reexamination requesters at the appeal stage are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.*

☐ *Total of 1 forms are submitted.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

MAY 04 2011

OFFICE OF PETITIONS

In re Application of	:	
Takeno et al.	:	
Application No. 12/298,366	:	DECISION ON PETITION
Filed: November 7, 2008	:	
Attorney Docket No. 333836US0PCT	:	

This is a decision on the request filed April 29, 2011, seeking relief under the provisions of "Relief Available to Patent and Trademark Applicants, Patentees and Trademark Owners Affected by the Catastrophic Events of March 11, 2011 in Japan," 1365 Off. Gaz. Pat. Office 170 (April 19, 2011).

The request for relief is **GRANTED**.

In the above-identified application, an Office action was mailed on November 29, 2010. The instant petition was filed prior to the expiration of the period for reply and the certifications for granting of relief are considered to be met by the submission of the request.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7751. 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 1628 for re-mailing the Office action of November 29, 2010. 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

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.
12/298,366	11/07/2008	Nanami Takeno	333836US0PCT	7469

22850 7590 06/06/2011

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

EXAMINER	
CRUZ, KATHRIEN ANN	
ART UNIT	**PAPER NUMBER**
1628	

NOTIFICATION DATE	DELIVERY MODE
06/06/2011	ELECTRONIC

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JUN 0 6 2011

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

In re Application of :
Takeno et al :
Serial No.: 12/298,366 : PETITION DECISION
Filed: 7 November 2008 :
Attorney Docket No.: 333836US0PCT :

This is in response to the petition under 37 CFR 1.144, filed 13 May 2011, requesting reconsideration of the restriction requirement.

BACKGROUND AND DISCUSSION

This application is a national stage filing in compliance with 375 U.S.C. 371 and, as such, would be considered for unity of invention practice in chapter 1800 of the MPEP.

The petition and file history have been considered carefully.

At the onset, it is noted that this "371" application is entitled to unity of invention practice. However the requirement mailed 8 September 2009 placed the original 7 claims into four groups based upon US restriction practice, as follows:

II. Claims 2 and 5, drawn to a method for inhibiting postprandial GIP secretion, classified in class 514, subclass 278.

III. Claims 3 and 6, drawn to a method for promotion digestion, classified in class 514, subclass 278.

IV. Claims 4 and 7, drawn to a method for alleviating heavy stomach, classified in class 514, subclass 278.

Independent claims 2, 3 and 4 are set forth below:

Claim 2 (previously presented): A method for inhibiting postprandial GIP secretion, comprising administering a therapeutically effective amount of at least one monoacylglycerol to a subject in need thereof.

Claim 3 (withdrawn): A method for promoting digestion, comprising administering a therapeutically effective amount of at least one monoacylglycerol to a subject in need thereof.

Claim 4 (withdrawn): A method for alleviating heavy stomach, comprising administering a therapeutically effective amount of at least one monoacylglycerol to a subject in need thereof.

Under PCT unity of invention practice, because all the independent method claim require the same active step of "administering a therapeutically effective amount of at least one monoacylglycerol to a patient in need thereof," unity of invention would be present amongst the original methods of Groups II, III and IV.

Turning now to the petition, applicants request that newly added claims 19 and 20, which depend from elected claim 2, be examined with elected claim 2. This request is reasonable.

Claim 19 (new): A method according to claim 2, wherein said subject is in need of promotion of digestion and absorption of diet.

Claim 20 (new): A method according to claim 2, wherein said subject is in need of alleviation of heavy stomach.

MPEP 821.03, final paragraph states that withdrawing claims by election by original presentation is not applicable where "applicant amends the claims such that the elected species is cancelled, or where applicant presents claims that could not have been restricted from the claims drawn to other elected invention had they been presented earlier." In this instance, the newly added dependent claims do not lack unity of invention with the previously examined independent claim.

DECISION

For these reasons, the petition is **GRANTED** as follows:

The restriction requirement between Groups II, III and IV is withdrawn.

The restriction required between the product of Group I and the process of Groups (II, III and IV) has been maintained.

The Office action mailed 10 May 2011 is withdrawn.

The application will be forwarded to the examiner for preparation of a supplemental Office action on all pending claims consistent with this decision.

Should there be any questions about this decision, please contact Quality Assurance Specialist Julie Burke, by letter addressed to Director, Technology Center 1600, at the address listed above, or by telephone at 571-272-0512 or by facsimile sent to the general Office facsimile number, 571-273-8300.

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
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KLEIN, O'NEILL & SINGH, LLP
18200 VON KARMAN AVENUE
SUITE 725
IRVINE, CA 92612

MAILED
MAR 14 2012
OFFICE OF PETITIONS

Applicant: CHRISTIAN L. PETERSEN
Appl. No.: 12/298,387
International Filing Date: April 24, 2007
Title: METHOD FOR SHEET RESISTANCE AND LEAKAGE CURRENT DENSITY MEASUREMENTS ON SHALLOW SEMICONDUCTOR IMPLANTS
Attorney Docket: 606-197.101
Pub. No.: US 2011/0320144 A1
Pub. Date: December 29, 2011

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on January 31, 2012, 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
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RISSMAN HENDRICKS & OLIVERIO, LLP
100 CAMBRIDGE STREET
SUITE 2101
BOSTON MA 02114

MAILED
AUG 01 2011
OFFICE OF PETITIONS

In re Application of :
LU, Dean-Mo et al. :
Application No. 12/298,413 : DECISION ON PETITION
Filed: July 16, 2009 : TO WITHDRAW
Attorney Docket No. **M006-7004US1** : 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 18, 2011.

The request is **NOT APPROVED**.

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

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

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee. All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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RISSMAN HENDRICKS & OLIVERIO, LLP
100 CAMBRIDGE STREET
SUITE 2101
BOSTON MA 02114

MAILED

AUG 15 2011

OFFICE OF PETITIONS

In re Application of	:	
LU, Dean-Mo et al.	:	
Application No. 12/298,413	:	DECISION ON PETITION
Filed: July 16, 2009	:	TO WITHDRAW
Attorney Docket No. **M006-7004US1**	:	FROM RECORD
	:	

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 05, 2011.

The request is **NOT APPROVED**.

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

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

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RISSMAN HENDRICKS & OLIVERIO, LLP
100 CAMBRIDGE STREET
SUITE 2101
BOSTON MA 02114

MAILED
SEP 20 2011
OFFICE OF PETITIONS

In re Application of	:	
OBEID, Michel Sarkis	:	
Application No. 12/298,413	:	DECISION ON PETITION
Filed: July 16, 2009	:	TO WITHDRAW
Attorney Docket No. **M006-7004US1**	:	FROM RECORD
	:	

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 25, 2011.

The request is **APPROVED**.

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

The request was signed by John A. Rissman on behalf of all attorneys of record who are associated with customer No. 21127. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There are no outstanding Office actions at this time.

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **DEAN-MO LIU**
58-7151 MOFFATT ROAD
RICHMOND, BRITISH COLUMBIA
V6Y 3G9 CANADA

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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MAILED

FEB 16 2011

PCT LEGAL ADMINISTRATION

Maulin V. Shah
1418 7th Street, #201
Santa Monica, CA 90401

In re Application of:
NAIK, et al.
Application No.: 12/298,527
Filing Date: October 25, 2008
Attorney Docket No.: LEG-0100
For: A SYSTEM AND METHOD FOR PATTERN BASED SERVICES EXTRACTION

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

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed 20 September 2010, 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 supplemental Application Data Sheet filed 29 June 2010.

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 application is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

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

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in

that (1) a reference to the prior-filed international application has been included in the supplemental Application Data Sheet filed 29 June 2010; (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a proper statement of unintentional delay.

Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 and 365 (c) to the prior-filed international application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that 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. 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.

Any inquiries concerning this decision may be directed to Derek Putonen at (571) 272-3294.

This matter is being referred to Office of Patent Application Processing (OPAP) for further processing including issuance, in due course, of a filing receipt identifying the present application as a continuation of PCT/IN2007/000169.

Boris Milef
Senior Legal Examiner
Office of PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAULIN V. SHAH
1418 7TH ST., #201
SANTA MONICA, CA 90401

MAILED

NOV 03 2010

PCT LEGAL ADMINISTRATION

In re Application of :
RAVINDRA et al :
Application No.: 12/298,528 : DECISION ON PETITION
Filing Date: October 25, 2008 : UNDER 37 CFR 1.78
Attorney Docket No.: LEG-0200 :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed on September 20, 2010, to accept an unintentionally delayed claim under 35 U.S.C. 120 for the benefit of priority to the prior-filed international application set forth in the supplemental application data sheet filed concurrently with the instant petition.

The petition is **GRANTED**.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional application is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

A petition for acceptance of a late claim for priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

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

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

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that 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 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 nonprovisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Bryan Lin at (571)272-3303. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center Art Unit 2191 for appropriate action, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. 120 to the prior-filed nonprovisional application.

Bryan Lin

Bryan Lin
Legal Examiner
Office of PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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CAROL WILSON
BP AMERICA INC.
150 WEST WARRENVILLE ROAD
MC 200-1W
NAPERVILLE IL 60563

MAILED
AUG 15 2011
OFFICE OF PETITIONS

In re Application of :
Wayne P. Schammel et al. :
Application No. 12/298,554 : DECISION ON PETITION
Filed: October 27, 2008 :
Attorney Docket No. **39,131** :

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, August 20, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 21, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $1620, and (3) an adequate statement of unintentional delay. Accordingly, the reply to the non-final Office action of August 20, 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 1621 for appropriate action on the concurrently filed amendment.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

MAILED

JUN 10 2011

OFFICE OF PETITIONS

In re Application of :
Damude et al. :
Application No. 12/298,563 : DECISION ON PETITION
Filed: October 27, 2008 TO WITHDRAW FROM RECORD
Attorney Docket No. BB1566 USPCT :
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 25, 2011.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that on May 19, 2011 the power of attorney to Alston & Bird, LLP was revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

cc: POTTER ANDERSON & CORROON LLP
ATTN: JANET E. REED, PH.D.
P.O. BOX 951
WILMINGTON DE 19899-0951

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 01-29-11

TO SPE OF : ART UNIT 1762

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/298584 Patent No.: 7858710

CofC mailroom date: 01-21-11

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Angela Green
Certificates of Correction Branch
(703) 756-1541

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** 1762

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OCT 14 2011

PCT LEGAL ADMINISTRATION

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

In re Application of
Prockop
Application No.: 12/298,606
PCT No.: PCT/US2007/010309
Int. Filing Date: 27 April 2007
Priority Date: 28 April 2006
Attorney Docket No.: 09932.0007-00000
For: Methods For Treating Diabetes

DECISION
ON
PETITION

The petition to revive under 37 CFR 1.137(b) filed on 11 August 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 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).

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.

This application is being returned to the Office of Patent Application Processing for further processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **11 August 2011**.

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

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ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

MAILED

OCT 01 2010

OFFICE OF PETITIONS

In re Application of :
Michael SCHURR :
Application No. 12/298,640 :
Filed: October 27, 2008 :
Attorney Docket No. **034691/364065** :

DECISION ON PETITION TO WITHDRAW FROM RECORD

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

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

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

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

cc: **SOEHNLE PROFESSIONAL GMBH & CO. KG**
MANFRED-VON-ARDENNE-ALLEE 12
BACKNANG, GERMANY D-71522

28 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

David W. Highet, VP & Chief IP Counsel
Becton, Dickinson and Company
1 Becton Drive, MC 110
Franklin Lakes NJ 07417-1880

In re Application of	:	
BANEY, et al.	:	
Application No.: 12/298,647	:	DECISION ON PETITIONS
PCT No.: PCT/IB2007/001980	:	
Int. Filing Date: 26 April 2007	:	UNDER 37 CFR 1.137(b)
Priority Date: 26 April 2006	:	
Atty. Docket No.: P-6772 (102-718 PCT/US)	:	AND 37 CFR 1.47(a)
For: INJECTION DEVICE WITH RETRACTABLE NEEDLE	:	

This decision is in response to applicant's renewed petition under 37 CFR 1.137(b) and petition under 37 CFR 1.47(a) filed 26 July 2010 in the United States Patent and Trademark Office (USPTO) to accept the application without the signature of joint inventor Kevin David Neale. Applicant has provided a petition fee payment of $130.00 for the petition under 37 CFR 1.47(a). Applicant is advised that the proper petition fee is $200.00. As authorized, the remaining $70.00 will be charged to deposit account 02-1666.

BACKGROUND

On 27 May 2010, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.137(b). Applicant was afforded two months to file any request for reconsideration.

On 26 July 2010, applicant filed the petitions discussed herein.

DISCUSSION

I. Petition Under 37 CFR 1.47(a)

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.

With the filing of the petition and supporting exhibits, applicant has satisfied all four items and it is therefore proper to grant applicant's petition at this time.

II. Renewed Petition Under 37 CFR 1.137(b)

The renewed petition to revive under 37 CFR 1.137(b) filed 06 August 2010 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's previous statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition of 05 May 2010 satisfied the requirement of 37 CFR 1.137(b)(3).

As discussed above, applicant has now provided a proper reply in the form of a grantable petition under 37 CFR 1.47(a) thus satisfying the requirements of 37 CFR 1.137(b). 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.

CONCLUSION

For the reasons discussed above, applicant's renewed petition under 37 CFR 1.137(b) and petition under 37 CFR 1.47(a) are **GRANTED**.

The application has an international filing date of 26 April 2007 under 35 U.S.C. 363, and will be given a date of **05 May 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

28 SEP 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Mr. Kevin David Neale
43 Wiltshire Avenue
Swindon, SN2 1NX
GREAT BRITAIN

In re Application of
BANEY, et al.
Application No.: 12/298,647
PCT No.: PCT/IB2007/001980
Int. Filing Date: 26 April 2007
Priority Date: 26 April 2006
Atty. Docket No.: P-6772 (102-718 PCT/US)
For: INJECTION DEVICE WITH RETRACTABLE NEEDLE

Dear Mr. Neale:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor. As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternately, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, the law firm of record (see below) would presumably assist you. Joining in the application would entail the filing of the appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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

Counsel of record:
Becton, Dickinson and Company
1 Becton Drive, MC 110
Franklin Lakes NJ 07417-1880
United States of America

UNITED 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.
12/298,697	05/28/2009	Risto Kurki-Suonio	3518-1023	1228

466 7590 03/21/2011

YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria, VA 22314

EXAMINER	
DORVIL, RICHEMOND	

ART UNIT	PAPER NUMBER
2626	

NOTIFICATION DATE	DELIVERY MODE
03/21/2011	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):

DocketingDept@young-thompson.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria VA 22314

In re Application of	:	
KURKI-SUONIO, RISTO	:	DECISION ON REQUEST TO
Application No. 12/298,697	:	PARTICIPATE IN PATENT
Filed: May 28, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. **3518-1023**	:	PILOT PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(a), filed January 4, 2011.

The request and petition are **GRANTED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the EPO, or validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims; or a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application

(i) validly claims priority under 35 U.S.C. 365(b) to an application filed in the EPO, or

(ii) validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or

(iii) contains no priority claim,

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the EPO application(s);
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the EPO application(s);
(4) Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of all the office actions from each of the EPO application(s) containing the allowable/patentable claim(s);
(6) Applicant must submit an IDS listing the documents cited by the EPO examiner in the EPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

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

Telephone inquiries concerning this decision should be directed to 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.

/Daniel Swerdlow/

_____

Daniel Swerdlow
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/298,707	10/27/2008	Kenichi Kuri	009289-08206	1255

52989 7590 01/06/2011

Dickinson Wright PLLC
James E. Ledbetter, Esq.
International Square
1875 Eye Street, N.W., Suite 1200
Washington, DC 20006

EXAMINER	
YAO, KWANG BIN	
ART UNIT	PAPER NUMBER
2473	
MAIL DATE	DELIVERY MODE
01/06/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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JAN 06 2011

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

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Alexandria, VA 22313-1450
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Dickinson Wright PLLC
James E. Ledbetter, Esq.
International Square
1875 Eye Street, N.W., Suite 1200
Washington DC 20006

In re Application of: KURI, KENICHI et al.
Application No. 12298707
Filed: October 27, 2008
For: RADIO COMMUNICATION BASE STATION APPARATUS AND RADIO COMMUNICATION METHOD USED FOR MULTI-CARRIER COMMUNICATION

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed December 29, 2010, to make the above-identified application special.

The petition is **GRANTED.**

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

(1) The U.S. application is
- (a) a 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 KR application(s); (b) an English translation of the allowable/patentable claim(s), if the claims were published in a language other than English); and (c) a statement that the English translation is accurate.

(3) 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 Applicant must submit a claim correspondence table in English.

(4) Examination of the U.S. application has not begun.

(5) Applicant must submit (a) a copy of all the office action(s) (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR 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 in compliance with all the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3088

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

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

/Hassan Kizou/

Hassan Kizou
Quality Assurance Specialist
Technology Center 2400

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P.O. Box 1450
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FISH & RICHARDSON P.C. (BO)
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

MAILED

OCT 08 2010

OFFICE OF PETITIONS

In re Application of	:	
Osvaldo Luis PODHAJCER	:	
Application No. 12/298,743	:	DECISION ON PETITION
Filed: March 2, 2009	:	TO WITHDRAW
Attorney Docket No. 26154-0002US1	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 7, 2010.

The request is **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 address for an assignee who has been properly made of record under 37 CFR 3.71 or the address of the inventor.

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

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

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

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

Cc: LELOIR FOUNDATION INSTITUTE
AV. PATRICIAS ARGENTINAS NO 435
BUENOS AIRES C1405BWE ARGENTINA

UNITED STATES 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. (BO)
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

MAILED

NOV 16 2010

OFFICE OF PETITIONS

In re Application of	:	
Osvaldo Luis PODHAJCER, et al	:	
Application No. 12/298,743	:	DECISION ON PETITION
Filed: March 2, 2009	:	TO WITHDRAW
Attorney Docket No. 26154-0002US1	:	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 3, 2010.

The request is **APPROVED**.

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

The request was signed by David L. Feiganbaum on behalf of all the attorneys of record associated with Customer No. 26161.

The attorneys of record associated with Customer No. 26161 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: OSVALDO LUIS PODHAJCER
EDUARDO ACEVEDO 338
BUENOS AIRES 1405 ARGENTINA

UNITED 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
12/298,743	03/02/2009	Osvaldo Luis Podhajcer	26154-0002US1

CONFIRMATION NO. 1463

POWER OF ATTORNEY NOTICE

26161
FISH & RICHARDSON P.C. (BO)
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

OC000000044505441

Date Mailed: 11/16/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/03/2010.

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

/dcgoodwyn/

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

UNITED 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.
12/298,743	03/02/2009	Osvaldo Luis Podhajcer	1197/0137PUS1	1463

60601 7590 04/27/2011

Muncy, Geissler, Olds & Lowe, PLLC
4000 Legato Road
Suite 310
FAIRFAX, VA 22033

EXAMINER	
NGUYEN, QUANG	
ART UNIT	PAPER NUMBER
1633	

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

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

APR 2 7 2011

Muncy, Geissler, Olds & Lowe, PLLC
4000 Legato Road
Suite 310
FAIRFAX VA 22033

In re Application of:	:	
Podhajcer et al.	:	
Serial No.: 12/298,743	:	PETITION DECISION
Filed: October 27, 2008	:	
Attorney Docket No.: **1197/0137PUS1**	:	

This is in response to the petition filed April 19, 2011 requesting restarting the response time for the Office action of April 4, 2011 due to USPTO error.

BACKGROUND

Relevant parts of the prosecution history are summarized below.

The examiner mailed to applicants an Office action on April 4, 2011 treating claims 1-4, 7, 9, 12-16, 18 and 20 -26.

In response thereto, applicants filed this petition on April 19, 2011 under 37 CFR § 1.181, requesting restarting the response time for the Office action of April 4, 2011 due to USPTO error.

DISCUSSION

The petition and the file history have been carefully considered.

In the petition filed on April 19, 2011, applicants state "A "Second Preliminary Amendment" was filed on January 21, 2010, in which claims 1-4, 7, 9, 12, 13, and 23 were amended and claims 27-32 were presented. However, the Office Action mailed April 4, 2011 erroneously indicates that only claims 1-4, 7, 9, 12-16, 18 and 20-26 are pending. Claims 27-32 as presented on January 21, 2010 have not been considered by the Examiner."

Applicants' points are well-taken and are persuasive that the Office action of April 4, 2011 was not complete.

DECISION

However, the petition is **DISMISSED AS MOOT** since a new and correct Office action was mailed on April 19, 2011.

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

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

MAILED

JUN 16 2011

OFFICE OF PETITIONS

In re Application of :
Grompe, et al. :
Application No. 12/298,761 : DECISION ON PETITION
Filed: 27 October, 2008 :
Attorney Docket No. 899-71968-06 :

This is a decision on the petition filed on 6 January, 2011, requesting correction of the name of the inventor/applicant, and considered for relief under 37 C.F.R §1.182.

NOTE:

Petitioner did not include with the petition and fee the required declaration by the inventor/applicant, signed in both forms of the inventor/applicant's name—that averred to have been incorrect and that averred to be correct—as well as the procedure whereby the change of name was effected, or a copy of the court order.

Petitioner also appears not to have submitted a corrected/replacement oath/declaration or application data sheet (ADS).

The petition under 37 C.F.R §1.182 is **DISMISSED**.

A 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. §1.182."

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

The guidance in the Commentary set forth at MPEP§605.04(c) suggests to Petitioner the proper procedure herein:

605.04(c)Inventor Changes Name [R-5]

In cases where an inventor's name has been changed after the application has been filed and the inventor desires to change his or her name on the application, he or she must submit a petition under 37 CFR 1.182. Applicants are also strongly encouraged to submit an application data sheet (37 CFR 1.76) showing the new name. The petition should be directed to the attention of the Office of Petitions. The petition must include an appropriate petition fee and **>a statement< signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a * copy of the court order.

Since amendments are not permitted after the payment of the issue fee (37 CFR 1.312), a petition under 37 CFR 1.182 to change the name of the inventor cannot be granted if filed after the payment of the issue fee.

If an application data sheet is not submitted, the petition may still be granted, but the patent may not reflect the correct spelling of the inventor's name.

If the petition is granted, if the application is maintained in paper with a file jacket label (i.e., the application is an 08/ or earlier series application), the original declaration must be marked in red ink, in the left margin "See paper No. _ for correction of inventor name" and the application should be sent to the Office of Initial Patent Examination (OIPE) for change of name on the file wrapper and in the PALM database. If the petition is granted in an Image File Wrapper (IFW) application or if the application is an 09/ or later series application, the spelling of the inventor's name should be changed in the Office computer records and a new PALM bib-data sheet should be printed. If the application is assigned, applicant should submit a corrected assignment document along with a cover sheet and the recording fee as set forth in 37 CFR 1.21(h) to the Assignment Division for a change in the assignment record. (Emphasis supplied)

BACKGROUND

A search of the file indicates that:

The instant application was filed, Petitioner indicates, with another form as to an inventor's name—the name having been typed and signed in that form. (Petitioner states that it was "Kelsea Lanxonson-Cookson," and the corrected form is to be "Kelsea Shoop."

On 6 January, 2011, Petitioner indicated to the Office that the name of inventor/applicant should be corrected to overcome the incorrect form of the name of the inventor.

As noted above, it also does not appear that Petitioner submitted an executed oath/declaration in the "corrected" form or an updated application data sheet (ADS), the latter of which may not be required but should be included.

Moreover, Petitioner did not include with the petition and fee the required declaration by the inventor/applicant, signed in both forms of the inventor/applicant's name—that averred to have been incorrect and that averred to be correct.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

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

CONCLUSION

Accordingly, the petition under 37 C.F.R. §1.182 is **dismissed**.

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

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

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

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

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

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

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

---

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

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of Petitioners 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

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

MAILED
SEP 13 2011
OFFICE OF PETITIONS

In re Application of :
Grompe, et al. :
Application No. 12/298,761 : DECISION ON PETITION
Filed: 27 October, 2008 :
Attorney Docket No. 899-71968-06 :

This is a decision on the petition filed on 11 August, 2011, requesting correction of the name of the inventor/applicant, and considered for relief under 37 C.F.R §1.182.

NOTE:

Petitioner did not include with the petition and fee a corrected/replacement oath/declaration and should do so immediately.

Petitioner did submit a corrected application data sheet (ADS).

While it appears that Petitioner initially chose to argue with the Office, rather than simply comply with the Rules of Practice and the guidance in the Commentary in the MPEP, it also appears that Petitioner ultimately chose to respond in the alternative and comply with those provisions.

The petition under 37 C.F.R §1.182 is **GRANTED**.

The guidance in the Commentary set forth at MPEP§605.04(c) suggests to Petitioner the proper procedure herein:

605.04(c)Inventor Changes Name [R-5]

In cases where an inventor's name has been changed after the application has been filed and the inventor desires to change his or her name on the application, he or she must submit a petition under 37 CFR 1.182. Applicants are also strongly encouraged to submit an application data sheet (37 CFR 1.76) showing the new name. The petition should be

directed to the attention of the Office of Petitions. The petition must include an appropriate petition fee and **>a statement< signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a * copy of the court order.

Since amendments are not permitted after the payment of the issue fee (37 CFR 1.312), a petition under 37 CFR 1.182 to change the name of the inventor cannot be granted if filed after the payment of the issue fee.

If an application data sheet is not submitted, the petition may still be granted, but the patent may not reflect the correct spelling of the inventor's name.

If the petition is granted, if the application is maintained in paper with a file jacket label (i.e., the application is an 08/ or earlier series application), the original declaration must be marked in red ink, in the left margin "See paper No. _ for correction of inventor name" and the application should be sent to the Office of Initial Patent Examination (OIPE) for change of name on the file wrapper and in the PALM database. If the petition is granted in an Image File Wrapper (IFW) application or if the application is an 09/ or later series application, the spelling of the inventor's name should be changed in the Office computer records and a new PALM bib-data sheet should be printed. If the application is assigned, applicant should submit a corrected assignment document along with a cover sheet and the recording fee as set forth in 37 CFR 1.21(h) to the Assignment Division for a change in the assignment record. (Emphasis supplied)

BACKGROUND

A search of the file indicates that:

The instant application was filed, Petitioner indicates, with another form of an inventor's name (prior to marriage). Petitioner since has married.

After the 6 January, 2011, petition was dismissed on 16 June, 2011, for failure to comply with the Rules of Practice and the guidance in the Commentary in the MPEP, Petitioner resubmitted the petition on 11 August, 2011—and this time Petitioner complied with Office requirements. (

Petitioner appears not to have filed a corrected oath/declaration and must do so immediately, but has filed a corrected ADS.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

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

CONCLUSION

Accordingly, the petition under 37 C.F.R. §1.182 is **granted**.

The application is released to the Office of Patent Application Processing (OPAP) for processing as necessary to update Office records and mail a corrected filing receipt before being returned to the Technology Center for further processing in due course.

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

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

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

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

§1.2 Business to be transacted in writing.

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : **02/29/12**

TO SPE OF : ART UNIT: **1625 Attn: ANDRES JANET L (SPE)**

SUBJECT : Request for Certificate of Correction for Appl. No.: **12/298769** Patent No.: **8106077**

CofC mailroom date: 02/15/2012

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Note: Please check Related U.S. Application Data Should this data be added as requested or not

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

Thank You For Your Assistance

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

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

Comments: _____

/Janet L. Andres/ — **SPE**

1625 — **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

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AUG 16 2011

PCT LEGAL ADMINISTRATION

YOUNG & THOMPSON
209 Madison Street
Suite 500
ALEXANDRIA VA 22314

In re Application of
BRUNATEAU (deceased) et al.
Application No.: 12/298,819
PCT No.: PCT/FR2007/051168
Int. Filing Date: 25 April 2007
Priority Date: 28 April 2006
Attorney's Docket No.: 0540-1138
For: PROCESS FOR REGENERATING CASKS OR THE LIKE AND DEVICE FOR THE IMPLEMENTATION THEREOF

DECISION ON

PAPERS

UNDER 37 CFR 1.47(a)

This is a decision on applicants' renewed submission filed 09 April 2009, which has properly been treated as a petition under 37 CFR 1.47(a).

BACKGROUND

On 25 April 2007, applicants filed international application PCT/FR2007/051168 which designated the U.S. and claimed a priority date of 28 April 2006. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 08 November 2007. The thirty-month period for paying the basic national fee in the United States expires at midnight on 28 October 2008.

On 28 October 2008, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee and a copy of a declaration of inventors filed in the international application under PCT Rule 4.17(iv). The indication that inventor Dominique BRUNATEAU is deceased was properly treated as a request for status under 37 CFR 1.42.

On 09 February 2009, a decision was mailed refusing applicants' request for status under 37 CFR 1.42. The decision also indicated that the copy of the declaration of inventors under PCT Rule 4.17(iv) filed 28 October 2008 is not sufficient because it does not indicate the legal representative or heir of the deceased inventor.

On 09 April 2009, applicants filed the instant submission which has properly been treated as a petition under 37 CFR 1.147(a).

DISCUSSION

MPEP 409.03(c) states that 37 CFR 1.47 applies where a known legal representative of a deceased inventor cannot be found or reached after diligent effort, or refuses to execute the application. See MPEP §§ 409.03(d)-409.03(f).

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

As to item (1), the petition fee of $200 has been charged to Deposit Account 25-0120.

Items (3) and (4) have been met.

Item (2) has not been met. MPEP § 409.03(d), item I 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 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.

The statement of facts by Larent Fantin has been considered. However, this statement fails to describe the exact facts which are relied on to establish that a diligent effort was made. Additionally, no copies of documentary evidence have been provided.

CONCLUSION

For the above reasons, applicants' 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. **Failure to timely file the proper response will result in abandonment of this application.** 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.

/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
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NOV 22 2011

PCT LEGAL ADMINISTRATION

YOUNG & THOMPSON
209 Madison Street
Suite 500
ALEXANDRIA VA 22314

In re Application of	:	
BRUNATEAU (deceased) et al.	:	DECISION
Application No.: 12/298,819	:	
PCT No.: PCT/FR2007/051168	:	
Int. Filing Date: 25 April 2007	:	
Priority Date: 28 April 2006	:	
Attorney's Docket No.: 0540-1138	:	
For: PROCESS FOR REGENERATING CASKS OR THE LIKE AND DEVICE FOR THE IMPLEMENTATION THEREOF	:	

This is a decision on applicants' renewed petition under 37 CFR 1.47(a) filed 19 October 2011 in the United States Patent and Trademark Office (USPTO). The petition is **DISMISSED** as **MOOT**.

This is also a decision on applicants' submission under 37 CFR 1.42. The request for status under 37 CFR 1.42 is **ACCEPTED**.

BACKGROUND

On 25 April 2007, applicants filed international application PCT/FR2007/051168 which designated the U.S. and claimed a priority date of 28 April 2006. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 08 November 2007. The thirty-month period for paying the basic national fee in the United States expires at midnight on 28 October 2008.

On 28 October 2008, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee and a copy of a declaration of inventors filed in the international application under PCT Rule 4.17(iv). The indication that inventor Dominique BRUNATEAU is deceased was properly treated as a request for status under 37 CFR 1.42.

On 09 February 2009, a decision was mailed refusing applicants' request for status under 37 CFR 1.42. The decision also indicated that the copy of the declaration of inventors under PCT Rule 4.17(iv) filed 28 October 2008 is not sufficient because it does not indicate the legal representative or heir of the deceased inventor.

On 09 April 2009, applicants filed a submission which was properly treated as a petition under 37 CFR 1.47(a) because the legal representative or heir of the deceased inventor could not be found.

On 16 August 2011, a decision was issued dismissing without prejudice applicants' petition under 37 CFR 1.47(a).

On 19 October 2011, applicants filed the instant submission including a declaration of inventors signed by Gisele Solbes, the previously non-signing legal representative of the deceased inventor Dominique BRUNATEAU.

DISCUSSION

Petition Under 37 CFR 1.47(a)

Since a 37 CFR 1.497 declaration has been executed by all the joint inventors, the petition for status under 37 CFR 1.47(a) is moot. The application need not be returned to the Office of PCT Legal Affairs for any further consideration of the status under 37 CFR 1.47 and no such status should be indicated on this application file.

Request for Status Under 37 CFR 1.42

The submission filed 19 October 2011 is in compliance with 37 CFR 1.42.

Declaration of Inventors

The declarations of inventors filed 19 October 2011 are in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **DISMISSED** as **MOOT**.

For the above reasons, the request for status under 37 CFR 1.42 is **ACCEPTED**.

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 04/12/11

TO SPE OF : ART UNIT: 1626 Attn: MCKANE JOSEPH K (SPE)

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/298852 Patent No.: 7880012

C of C Mailroom date: 04/01/11

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

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: _____

/Joseph K. McKane/ — **SPE**

1626 — **Art Unit**

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

Electronic Petition Request	**PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)**
Application Number	12298880
Filing Date	28-Oct-2008
First Named Inventor	Han Bo Shim
Art Unit	3766
Examiner Name	BRIAN GEDEON
Attorney Docket Number	K1069.10023US01
Title	DEVICE FOR GENERATING A SIGNAL AND METHOD FOR CONTROLLING OPERATION OF THE SAME

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	/R. Burns Israelsen/
Name	R. Burns Israelsen
Registration Number	42685

UNITED STATES 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 22, 2012

In re Application of :

Han Bo Shim

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12298880

Filed : 28-Oct-2008

Attorney Docket No : K1069.10023US01

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed March 22, 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 3766 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

GROSSMAN, TUCKER, PERREAULT & PFLEGER, PLLC
55 SOUTH COMMERICAL STREET
MANCHESTER NH 03101

MAILED
NOV 17 2011
OFFICE OF PETITIONS

In re Application of:	:	
Johnson et al.	:	
Application No. 12/298937	:	DECISION GRANTING
Filing or 371(c) Date: 10/29/2008	:	PETITION UNDER
Title of Invention:	:	37 CFR 1.47(a)
SAMPLE COLLECTION SYSTEM AND METHOD	:	

This is in response to petition pursuant to 37 CFR § 1.47(a)," filed February 17, 2010, to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor.

The petition is **granted**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

Petitioner has shown that the non-signing inventor, Stephen Scheufele, refuses to join in the above-identified application.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the addresses given in the Petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being referred to the Publishing Division for continued processing in the normal course of business.

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

/DLW/

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MR. STEPHEN SCHEUFELE
283 CENTRAL SRTEET
BOYLSTON, MA 01505

MAILED
NOV 17 2011
OFFICE OF PETITIONS

In re Application of:
Johnson et al.
Application No. 12/298937
Filing or 371(c) Date: 10/29/2008
Title of Invention:
SAMPLE COLLECTION SYSTEM AND METHOD

LETTER

Dear Mr. Scheufele:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

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

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3232. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

/DLW/

Derek L. Woods
Attorney
Office of Petitions

CC: GROSSMAN, TUCKER, PERREAULT & PFLEGER, PLLC
55 SOUTH COMMERICAL STREET
MANCHESTER NH 03101

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.	:	12/298956	Confirmation No. 2754
Applicant	:	Chandrashekhar S. Khadilkar et al.	
Filed	:	December 4, 2008	
TC/A.U.	:	1795	
Examiner	:	Not yet assigned	
Title	:	Layered Contact Structure For Solar Cells	
Docket No.	:	FER-16357.001.001	
Customer No.	:	007609	

Statement of Special Status Regarding Entry into Green Technology Pilot Program

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

Sir:

The present application relates to green technologies as defined by the USPTO. Specifically, independent claims 1, 29, and 33 all recite a method of making or forming a solar cell contact. Thus, the present application involves alternative energy production, and more particularly solar cells. Further, the present application materially contributes to the development of renewable energy resources. Further still, the present application only includes three independent claims and twenty total claims. It is also noted that the present application does not contain any multiple dependent claims.

In light of the foregoing, it is respectfully submitted that the present application should be allowed to enter the Green Technology Pilot Program. If it is determined that the application is not in a condition for entry into the Green Technology Pilot Program, the Examiner is invited to initiate a telephone interview with the undersigned attorney to

expedite entry of the present application into the Green Technology Pilot Program.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 06-0625, our Order No. FER-16357.001.001.

Respectfully submitted,

RANKIN, HILL & CLARK LLP

By /Kenneth A. Clark/
Kenneth A. Clark, Reg. No. 32119

23755 Lorain Road, Suite 200
North Olmsted, Ohio 44070-2224
(216) 566-9700

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: FER-16357.001.001	Application Number (if known): 12/298956	Filing date: 12/4/2008
First Named Inventor: Chandrashekhar S. Khadilkar		
Title: Layered Contact Structure For Solar Cells		

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 /Kenneth A. Clark/	Date 11/27/10
Name (Print/Typed) Kenneth A. Clark	Registration Number 32,119

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

[X] *Total of 1 forms are submitted.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/298,956	12/04/2008	Chandrashekhar S. Khadilkar	FER-16357.001.001	2754

7609 7590 12/22/2010

RANKIN, HILL & CLARK LLP
23755 Lorain Road - Suite 200
North Olmsted, OH 44070-2224

EXAMINER	
SCARLETT, SHAKA S	
ART UNIT	PAPER NUMBER
2823	

MAIL DATE	DELIVERY MODE
12/22/2010	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

RANKIN, HILL & CLARK LLP
23755 Lorain Road - Suite 200
North Olmsted OH 44070-2224

In re Application of	:	
KHADILKAR et al.	:	DECISION ON PETITION
Application No. 12/298,956	:	TO MAKE SPECIAL UNDER
Filed: December 04, 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. FER-16357.001.001	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on November 30, 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 **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 4.

In regard to item 4, applicant's statement pertaining to how the materiality standard is met does not satisfy the requirements for this pilot. The instant petition includes a statement identifying the basis for the special status as contributing to the development of renewable energy resources. The claims are directed to a method of making a solar cell contact. The recitation of "solar cell" in the claims is considered intended use. The materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could contribute to the development of renewable energy resources. Any argument that the claimed invention involves alternative energy production is considered speculate as to how a hypothetical end-user might specially apply the claimed invention.

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

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

The application is being forwarded to the Technology Center Art Unit 2823 for action in its regular turn.

Lee W. Young
Quality Assurance Specialist
Technology Center 2800

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: FER-16357.001.001	Application Number (if known): 12/298956	Filing date: 12/4/2008
First Named Inventor: Chandrashekhar S. Khadilkar		
Title: Layered Contact Structure For Solar Cells		

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	Date 2/9/11
Name (Print/Typed) Kenneth A. Clark	Registration Number 32,119

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

[X] *Total of 1 forms are submitted.

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

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.	:	12/298956	Confirmation No. 2754
Applicant	:	Chandrashekhar S. Khadilkar et al.	
Filed	:	December 4, 2008	
TC/A.U.	:	1795	
Examiner	:	Not yet assigned	
Title	:	Layered Contact Structure For Solar Cells	
Docket No.	:	FER-16357.001.001	
Customer No.	:	007609	

Statement of Special Status Regarding Entry into Green Technology Pilot Program

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

Sir:

The present application relates to green technologies as defined by the USPTO. Particularly, independent claim 29 recites a method of forming a solar cell and independent claims 1 and 33 recite a method of making solar cell contacts. Thus, the present application involves alternative energy production, and more specifically, solar cells. Further, the present application materially contributes to the development of renewable energy resources. Further still, the present application only includes three independent claims and twenty total claims. It is also noted that the present application does not contain any multiple dependent claims.

In light of the foregoing, it is respectfully submitted that the present application should be allowed to enter the Green Technology Pilot Program. If it is determined that the application is not in a condition for entry into the Green Technology Pilot Program,

the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite entry of the present application into the Green Technology Pilot Program.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 06-0625, our Order No. FER-16357.001.001.

Respectfully submitted,

RANKIN, HILL & CLARK LLP

By /Kenneth A. Clark/
Kenneth A. Clark, Reg. No. 32119

23755 Lorain Road, Suite 200
North Olmsted, Ohio 44070-2224
(216) 566-9700

UNITED 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.
12/298,956	12/04/2008	Chandrashekhar S. Khadilkar	FER-16357.001.001	2754

7609 7590 02/23/2011

RANKIN, HILL & CLARK LLP
23755 Lorain Road - Suite 200
North Olmsted, OH 44070-2224

EXAMINER	
SCARLETT, SHAKA S	
ART UNIT	PAPER NUMBER
2823	

MAIL DATE	DELIVERY MODE
02/23/2011	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
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RANKIN, HILL & CLARK LLP
23755 Lorain Road - Suite 200
North Olmsted OH 44070-2224

In re Application of	:	
KHADILKAR et al.	:	DECISION ON PETITION
Application No. 12/298,956	:	TO MAKE SPECIAL UNDER
Filed: December 04, 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. FER-16357.001.001	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on November 30, 2010 and renewed on February 09, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **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 2823 for action in its regular turn.

Lee W. Young
Quality Assurance Specialist
Technology Center 2800

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APR 27 2011

PCT LEGAL ADMINISTRATION

NSIP LAW
P.O. Box 34688
Washington, DC 20043

In re Application of:
WI, Soon Im
U.S. Application No.: 12/298,972
PCT Application No.: PCT/KR2007/002133 (as corrected)
International Filing Date: 01 May 2007
Priority Date: 03 May 2006
Attorney's Docket No.: UNSN.2105.0018
For: SUBSTRATE TRANSFER EQUIPMENT AND HIGH SPEED SUBSTRATE PROCESSING SYSTEM USING THE SAME

DECISION ON PETITION UNDER 37 CFR 1.182

This decision is issued in response to applicant's "Petition under 37 CFR 1.182 to Correct USPTO's Computer Records to List Correct International Application Number" filed 15 March 2011. The petition seeks to correct the bibliographic data for the national stage application papers filed 29 October 2008, so as to allow such materials to be treated as the U.S. national stage of PCT/KR2007/002133. The $400 petition fee has been submitted.

BACKGROUND

On 29 October 2008, applicant filed electronically a U.S. national stage application in the United States Designated/Elected Office (DO/EO/US). The submission included, inter alia, a Transmittal Letter to the United States Designated Office (DO/EO/US) Concerning a Submission under 35 U.S.C. 371 (Form 1390) identifying international application number PCT/KR2005/002133; a copy of the international application of PCT/KR2007/002133; and a copy of the international search report.

Based on United States Patent and Trademark Office (USPTO) processing procedures, the application file was initiated in the USPTO PALM system as a U.S. national of PCT/KR2005/002133, the international application number set forth in the bibliographical data provided by applicant when filing the electronic application.

In response to the Notification of Missing Requirements, applicant submitted (on 18 March 2009) an executed declaration of inventorship. The declaration identified the international application as PCT/KR2007/002133.

On 15 February 2011, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Defective Response (Form PCT/DO/EO/916) indicating that the declaration was defective because said declaration did identify the international application to which it was directed. Specifically, the oath/declaration refers to PCT/KR2007/002133 instead of PCT/KR2005/002133.

On 15 March 2011, applicant filed "Petition under 37 CFR 1.182 to Correct USPTO's Computer Records to List Correct International Application Number" considered herein.

DISCUSSION

Applicant confirms that the correct international application is PCT/KR2007/002133. An examination of the originally filed papers finds that the correct international application number was listed on the published PCT application submitted by applicant on 29 October 2008. Applicant's present submission included the required petition fee to correct applicant's clerical error. Accordingly, these materials satisfy the requirements for a grantable petition to correct applicant's error in the bibliographical data filed 29 October 2008 and to permit such materials to be treated as having been directed to international application PCT/KR2007/002133.

Based on the above, the declaration filed on 18 March 2009 is no longer defective. The Notification Of A Defective Response (PCT/DO/EO/916) mailed on 15 February 2011 is therefore appropriately vacated.

CONCLUSION

Applicant's petition under 37 CFR 1.182 is GRANTED.

USPTO records will be corrected to indicate that the present application is the national stage of PCT/KR2007/002133 with an international filing date of 01 May 2007.

This application is being returned to the National Stage Processing Branch of the Office Of PCT Operations for processing in accord with this decision

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 571-272-3298

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

MAILED
MAR 24 2011
OFFICE OF PETITIONS

Applicant: Hideyoshi Horie
Appl. No.: 12/299,018
International Filing Date: April 30, 2007
Title: ETCHING METHOD, ETCHING MASK AND METHOD FOR MANUFACTURING SEMICONDUCTOR DEVICE USING THE SAME
Attorney Docket No.: 334119US2PCT
Pub. No.: US 2010/0155899 A1
Pub. Date: June 24, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on August 23, 1010, for the above-identified application.

The application was expressly abandon on September 28, 2010.

The request is DISMISSED as moot.

Since the application has been expressly abandoned, the request is deemed moot.

Additionally, the error in the 371(c)(1), (2), (4) date listed on the front page of the publication may be an Office error, but it is not a material mistake in the publication made by the Office under 37 CFR 1.221(b). The misprinting of the 371(c)(1), (2), (4) date does not affect the understanding of the application. The mistake does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. Furthermore, the error does not affect the use of the publication as a reference.

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

M. Polutta

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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

Electronic Petition Request	**PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)**
Application Number	12299020
Filing Date	23-Jan-2009
First Named Inventor	Masanao Shikano
Art Unit	1744
Examiner Name	ALISON HINDENLANG
Attorney Docket Number	61768US005
Title	METHOD AND DEVICE FOR REPLICATING STRUCTURE

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	/Scott A Baum/
Name	Scott A. Baum
Registration Number	51237

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Decision Date : July 6,2011

In re Application of :

Masanao Shikano

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12299020

Filed : 23-Jan-2009

Attorney Docket No : 61768US005

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed July 6,2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

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

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

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

This application file is being referred to Technology Center AU 1744 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

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LATHROP & GAGE LLP
4845 PEARL EAST CIRCLE
SUITE 201
BOULDER CO 80301

MAILED
AUG 30 2011
OFFICE OF PETITIONS

In re Application of	:	
Shaw et al.	:	
Application Number: 12/299,070	:	DECISION ON PETITION
Filing or 371(c) Date: 04/24/2009	:	
Attorney Docket Number: 485724	:	

This is a decision on the petition, filed on June 21, 2011, which is treated as a petition under 37 CFR 1.78(a)(3) and (a)(6), to accept an unintentionally delayed claim under 35 U.S.C. §§ 365(c), 120, and 119(e) for the benefit of priority to the prior-filed nonprovisional, international, and provisional applications set forth in the concurrently filed amendment.

The petition under 37 CFR 1.78(a)(3) and (a)(6) is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000 and after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

The petition does not comply with item (1) and (3).

In regards to item (1), the reference to the above-noted, prior-filed application was not included in the manner specified in 37 CFR §§ 1.78(a)(2) and (a)(5)(*i.e.*, in an ADS or in an amendment to the first sentence following the title of the specification). Specifically, 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).

Accordingly, before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition under 37 CFR § 1.78(a)(3) and an ADS or an amendment to the first sentence of the specification complying with 37 CFR 1.121 and stating the relationship of the prior-filed application to the instant application is required.

Furthermore, the reference to add the above-noted, prior-filed application in the first sentence of the specification on page one following the title is not acceptable as drafted since it improperly incorporates by reference the prior-filed applications. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. §§ 365(c), 120, and 119(e), after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 365(c), 120, or 119(e) is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See* Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

Still further, the petition must be dismissed because the subject application cannot claim benefit of Application No. 12/398,876, filed on March 5, 2009, because the subject application is a U.S. National Stage filing of international application No. PCT/US2007/067941, filed on May 1, 2007. Application No. 12/398,876 was filed *after* the subject application. Applicants are reminded that the international filing date is the true legal filing date for the subject application. A claim to priority may only be made to an application filed prior to the application in which priority is claimed.

In regards to item (3), 37 CFR §§ 1.78(a)(3) and (a)(6) requires a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and (5)(ii) and the date the claim was filed was unintentional. The statement appearing in the petition varies from the required language. Any renewed petition should track the language required by 37 CFR 1.78(a)(3) and (a)(6).

If reconsideration of this decision is desired, a renewed petition under 37 CFR § 1.78(a)(3) and an Application Data Sheet or an amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5)) to correct the above matters are required.

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

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Alexandria, VA 22314

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

A reply may also be filed via the EFS-Web filing system of the USPTO.

Any inquiries concerning this decision may be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

Bryan Lin
Legal Advisor
Office of PCT Legal Administration

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NOV 02 2011

OFFICE OF PETITIONS

In re Application of :
Shaw et al. :
Application Number: 12/299,070 : DECISION ON PETITION
Filing or 371(c) Date: 04/24/2009 :
Attorney Docket Number: 485724 :

This is a decision on the petition, filed on September 30, 2011, which is treated as a renewed petition under 37 CFR 1.78(a)(3) and (a)(6), to accept an unintentionally delayed claim under 35 U.S.C. §§ 365(c), 120, and 119(e) for the benefit of priority to the prior-filed nonprovisional, international, and provisional applications set forth in the petition.

The petition under 37 CFR 1.78(a)(3) and (a)(6) is again **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000 and after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

The petition does not comply with item (1).

In regard to item (1), the reference to add the above-noted, prior-filed applications in the first sentence of the specification on page one following the title is not acceptable as drafted since it improperly incorporates by reference the prior-filed applications. An incorporation by reference

statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. §§ 365(c), 120, and 119(e), after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 365(c), 120, or 119(e) is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See* Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

If reconsideration of this decision is desired, a renewed petition under 37 CFR § 1.78(a)(3) and (a)(6) and an Application Data Sheet or an amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5)) to correct the above matters are required.

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

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A reply may also be filed via the EFS-Web filing system of the USPTO.

Any inquiries concerning this decision may be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

Bryan Lin
Legal Advisor
Office of PCT Legal Administration

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DEC 23 2011
OFFICE OF PETITIONS

In re Application of :
Shaw et al. :
Application Number: 12/299,070 : DECISION ON PETITIONS
Filing Date: 04/24/2009 : UNDER 37 CFR 1.78(a)(3) AND (a)(6)
Attorney Docket Number: 485724 :

This is a decision on the renewed petition, filed on December 2, 2011, which is treated as a petition filed under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), to accept an unintentionally delayed claim under 35 U.S.C. §§365(c), 120, and 119(e) for the benefit of the prior-filed applications set forth in the concurrently filed amendment.

The petition is **GRANTED.**

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 365(c), 120, and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed applications, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Further, the international and nonprovisional applications claiming the benefit of the prior-filed provisional applications must have been filed within twelve months of the filing date of the prior-filed provisional applications.

All the above requirements having been satisfied, the late claim for benefit of priority under 35 U.S.C. §§ 365(c) and 119(e) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §§365(c) and 120, and 1.78(a)(1) and (a)(2) and under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

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

Any questions concerning this matter may be directed to Senior Petitions Attorney Douglas I. Wood 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 1652 for consideration by the examiner of the claim under 35 U.S.C. §§ 365(c), 120, and 119(e) of the prior-filed international, nonprovisional, and provisional applications.

Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

ATTACHMENT : Corrected Filing Receipt

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/299,070	04/24/2009		1829	485724	34	9

CONFIRMATION NO. 4722

30955
LATHROP & GAGE LLP
4845 PEARL EAST CIRCLE
SUITE 201
BOULDER, CO 80301

FILING RECEIPT

OC00000036085200

Date Mailed: 05/26/2009

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)

Arthur Josephus Shaw, IV, West Lebanon, NH;
Sunil G. Desai, Andover, MA;
Lee R. Lynd, Meriden, NH;
Mikhail V. Tyurin, BainBridge, GA;
Kara Podkaminer, Jamesville, NY;
John Bardsley, Cambridge, MA;
David Anthony Hogsett, Grantham, NH;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/US07/67941 05/01/2007
which claims benefit of 60/796,380 05/01/2006

Foreign Applications

UNITED STATES OF AMERICA 51642442 10/31/2006

If Required, Foreign Filing License Granted: 05/20/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/299,070**

Projected Publication Date: 09/03/2009

Non-Publication Request: No

Early Publication Request: No

Title

Thermophilic Organisms For Conversion Of Lignocellulosic Biomass To Ethanol

Preliminary Class

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

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

NOT GRANTED

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

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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/299,071	10/30/2008	Keith Malcolm Godfrey	GRT/3772-57	4763

23117 7590 11/23/2011

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

EXAMINER	
NOBLE, MARCIA STEPHENS	
ART UNIT	**PAPER NUMBER**
1632	
MAIL DATE	**DELIVERY MODE**
11/23/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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NOV 23 2011

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

In re Application of: :
Godfrey et al. : SUSPENSION OF ACTION
Serial No.: 12/299,071 :
Filed: October 30, 2008 :
Attorney Docket No.: **GRT/3772-57**:

This is in reply to the petition under 37 CFR 1.103(a) to suspend action in this application at applicants' request for a four month period of time, filed November 18, 2011.

BACKGROUND

Applicants have requested suspension of prosecution for a period of four months on the above-identified application to permit Applicants sufficient time to submit a technical report supporting patentability of the pending claims.

DISCUSSION

§ 1.103 Suspension of action by the Office.

(a) Suspension for cause. On request of the applicant, the Office may grant a suspension of action by the Office under this paragraph for good and sufficient cause. The Office will not suspend action if a reply by applicant to an Office action is outstanding. Any petition for suspension of action under this paragraph must specify a period of suspension not exceeding six months. Any petition for suspension of action under this paragraph must also include:
(1) A showing of good and sufficient cause for suspension of action; and
(2) The fee set forth in § 1.17(h), unless such cause is the fault of the Office.

DECISION

In view of the above, the petition for suspension of action is **GRANTED** for a period of four months from the date of mailing of this decision.

Should there be any questions with respect to this action, please contact the examiner or Marianne Seidel, by mail addressed to: Director, Technology Center 1600, P. O. BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at 571-272-0519 or by facsimile transmission at Office general facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

MAR 0 1 2011

OFFICE OF PETITIONS

In re Application of :
Jae-Seung Song et al : DECISION GRANTING STATUS
Application No. 12/299,102 : UNDER 37 CFR 1.47(a)
Filed: February 23, 2009 :
Attorney Docket No. 0630-2733PUS2 :

This is in response to the petition under 37 CFR 1.47(a), filed September 28, 2010.

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventor, Kyung-Ae Yoon, 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.

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

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

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450
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Kyung-Ae Yoon
Sunkyung Haenuri Apt. 109-1404
Ssangyong-Dong, Cheonan
Chungcheongnam-Do, Republic of Korea

MAILED

MAR 01 2011

OFFICE OF PETITIONS

In re Application of
Jae-Seung Song; Kyung-Ae Yoon; Mi-Seon Ra; Hyun-Sook Kim; Patrice HeDe
Application No. 12/299,102
Filed: February 23, 2009
For: METHOD FOR HANDLING CS CALLS IN VOICE CALL CONTINUITY, VCC APPLICATION SERVER AND TRANSLATION ENTITY

Dear Ms. Yoon:

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

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join 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.

Telephone inquiries regarding this communication should be directed to the Irvin Dingle at (571) 272-3210. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington D.C. area).

David Bucci
Petitions Examiner
Office of Petitions

cc: Birch Stewart Kolasch & Birch
PO Box 747
Falls Church, VA 22040-0747

UNITED STATES PATENT AND TRADEMARK OFFICE

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MORRISON & FOERSTER LLP
755 PAGE MILL RD
PALO ALTO, CA 94304-1018

MAILED

FEB 17 2011

OFFICE OF PETITIONS

In re Application of :
Milijasevic et al. :
Application No. 12/299,117 : DECISION ON PETITION
Filed: August 3, 2009 TO WITHDRAW FROM RECORD
Attorney Docket No. 3485-P10385US :
:

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 15, 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

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JAN 06 2011

PCT LEGAL ADMINISTRATION

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54975
HOLLAND & KNIGHT LLP
10 St. James Avenue
Boston, MA 02116-3889

In re Application of :
MCNULTY *et al* :
U.S. Application No.: 12/299,155 :
PCT No.: PCT/EP2007/054323 :
Int. Filing Date: 03 May 2007 : **DECISION**
Priority Date: 03 May 2006 :
Attorney Docket No.: 110425.00041/31292US :
For: A METHOD OF OPTIMISING ENERGY CONSUMPTION :

This decision is in response to applicants' petition under 37 CFR 1.47(a) filed 08 November 2010.

BACKGROUND

On 08 June 2010, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed requesting an oath or declaration in compliance with 37 CFR 1.497(a) and (b). Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 08 November 2010, applicants filed the subject petition which was accompanied by, *inter alia*, a declaration signed by several inventors for themselves and on behalf of the nonsigning inventor; a $200.00 petition fee; a three-month extension and fee; an affidavit of Nicholas McNulty; and documentary evidence in support of the petition.

DISCUSSION

Applicants claim that co-inventor, Yann Daniel Edgard VANDERSTOCKT, refuses to cooperate and have filed the subject petition under 37 CFR 1.47(a).

A petition under 37 CFR 1.47(a) requires: (1) the petition fee; (2) factual proof that the missing joint inventor cannot be located or refuses to cooperate; (3) a statement of the last known address of the nonsigning joint inventor; (4) and an oath or declaration executed by the signing joint inventors on their behalf and on behalf of the nonsigning joint inventor.

Items (1) and (3) of 37 CFR 1.47(a)[1] are satisfied in the initial petition.

Regarding item (2) of 37 CFR 1.47(a), petitioners provided an affidavit of Nicholas McNulty who states that he sent a complete copy of the subject application to the nonsigning inventor on three different dates by email. Mr. McNulty then sent letters to two different possible addresses containing the subject application and a declaration. This was followed up by searches for Mr. VANDERSTOCKT using the French Embassy in Ireland and the internet.

Mr. McNulty states that he flew to one of the addresses in France and discussed the matter with the parents of the nonsigning inventor on 18 September 2010. Mr. McNulty then talked by telephone to the girlfriend of Mr. VANDERSTOCKT who verified that the nonsigning inventor received the earlier mail requesting that he sign the declaration and she would ask him to contact her. No contact by the nonsigning inventor was made and a signed declaration was not received. A reply to a follow-up email was also not made. Applicants included sufficient documentary evidence in the petition to support the facts contained in the affidavit of Nicholas McNulty.

Applicants' burden in showing that an inventor refuses to cooperate is explained in section 409.03(d)(II) of the MPEP. The relevant section is listed below:

> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning 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.

A review of the evidence supports the conclusion that the nonsigning inventor has refused to cooperate. Item (2) of 37 CFR 1.47(a) is also satisfied.

Regarding item (4) of 37 CFR 1.47(a), applicants provided a declaration signed by four of the five named inventors on behalf of the nonsigning as required by MPEP § 409.03(a)(A). However, the addresses of joint inventors, Nicholas MCNULTY and Ian PACKHAM listed on the declaration contains noninitialed changes in ink.

Any changes made in ink must be initialed and dated by the applicants prior to execution of the 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. *See* MPEP § 605.04(a).

---

[1] The petition fee was paid. The first listed address in Onnaing, France will be used as the last known address of the nonsigning inventor.

New declarations for joint inventors, Nicholas MCNULTY and Ian PACKHAM are required. For this reason, item (4) of 37 CFR 1.47(a) is not yet satisfied.

Accordingly, all the requirements of 37 CFR 1.47(a) are not complete.

CONCLUSION

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. Extension of time under 37 CFR 1.136(a) is available.

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.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

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54975
HOLLAND & KNIGHT LLP
10 St. James Avenue
Boston, MA 02116-3889

MAILED

JUN 27 2011

PCT LEGAL ADMINISTRATION

In re Application of
MCNULTY *et al*
U.S. Application No.: 12/299,155
PCT No.: PCT/EP2007/054323
Int. Filing Date: 03 May 2007
Priority Date: 03 May 2006
Attorney Docket No.: 110425.00041/31292US
For: A METHOD OF OPTIMISING ENERGY CONSUMPTION

DECISION

This decision is in response to applicants' renewed petition under 37 CFR 1.47(a) filed 06 May 2011.

BACKGROUND

On 06 January 2011, 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 under 37 CFR 1.136(a).

On 06 May 2011, applicants filed a renewed petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a declaration executed by joint inventors, Nicholas MCNULTY and Ian PACKHAM, and a two-month extension and fee.

DISCUSSION

Applicants claim that co-inventor, Yann Daniel Edgard VANDERSTOCKT, refuses to cooperate. and have filed the subject petition.

The initial petition under 37 CFR 1.47(a) was dismissed for failing to satisfy item (4) of 37 CFR 1.47(a). The declaration contained noninitialed changes in ink on the declaration regarding the addresses of joint inventors, Nicholas MCNULTY and Ian PACKHAM, and was not accepted.

The 37 CFR 1.47(a) applicants provided a new declaration signed by Mr. MCNULTY and Mr. PACKHAM in the subject response. A new declaration for the other two inventors signing on behalf of the nonsigning inventor is not required.

A review of the declaration shows that it is in compliance with 37 CFR 1.497(a)

and (b) and meets the requirements of section 409.03(a) of the MPEP. Item (4) of 37 CFR 1.47(a) is complete.

All the requirements of 37 CFR 1.47(a) are satisfied.

CONCLUSION

Applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 03 May 2007 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 06 May 2011.

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

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Yann Daniel Edgard Vanderstockt
24 Rue de la République
59264 Onnaing
France

MAILED

JUN 27 2011

PCT LEGAL ADMINISTRATION

In re Application of
MCNULTY *et al*
U.S. Application No.: 12/299,155
PCT No.: PCT/EP2007/054323
Int. Filing Date: 03 May 2007
Priority Date: 03 May 2006
Attorney Docket No.: 110425.00041/31292US
For: A METHOD OF OPTIMISING ENERGY CONSUMPTION

Dear Mr Vanderstockt:

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

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

HOLLAND & KNIGHT LLP
10 St. James Avenue
Boston, MA 02116-3889

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GOTTLIEB RACKMAN & REISMAN PC
270 MADISON AVENUE
8TH FLOOR
NEW YORK NY 10016-0601

MAILED

SEP 26 2011

OFFICE OF PETITIONS

In re Application of :
VAN RUTH, Frank :
Application No. 12/299,159 : DECISION ON PETITION
Filed: November 13, 2008 : TO MAKE SPECIAL UNDER
Attorney Docket No. 4046-068 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 20, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED.**

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

The instant petition includes a statement attesting that Frank Van Ruth 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.

This application is being referred to the Office of Patent Application Processing. This application will be accorded "special" status when pre-examination processing is done.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

United States Patent and Trademark Office

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P.O. Box 1450
Alexandria, VA 22313-1450
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ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE NC 28280-4000

MAILED

JAN 13 2011

PCT LEGAL ADMINISTRATION

In re Application of
Harrison et al.
Application No.: 12/299,236
PCT No.: PCT/GB2007/001673
Int. Filing Date: 08 May 2007
Priority Date: 05 May 2006
Attorney Docket No.: 056479/389508
For: Tension Indicator

DECISION
ON
PETITION

The petition to revive under 37 CFR 1.137(b) filed on 11 November 2010 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 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).

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.

This application is being returned to the Office of Patent Application Processing for further processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **11 November 2010**.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/299,273	09/18/2009	Jim Kim	5097-0109PUS1	7525

2292 7590 02/01/2011
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER	
RADEMAKER, CLAIRE L	
ART UNIT	PAPER NUMBER
1727	

NOTIFICATION DATE	DELIVERY MODE
02/01/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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BC

January 31, 2011

In re application of Wook Jang et al. Serial No. 12/299,273 Filed: October 31, 2008 For: LITHIUM SECONDARY BATTERY OF IMPROVED LOW-TEMPERATURE POWER PROPERTY	: : : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request for reconsideration to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a) to make the above-identified application special filed December 28, 2010.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO, note where the KIPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the KIPO application with similar claims and the KIPO priority application;

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the KIPO application(s);
   b. An English translation of the allowable/ patentable claim(s); and
   c. A statement that the English translation is accurate;

(3) Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s); and
   b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of:
   a. All of the Office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) that are the basis for the request;

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

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	12/299,290	Filing date:	May 4, 2007
First Named Inventor:	Wenqi GAO		
Title of the Invention:	Compounds and Compositions as Hedgehog Pathway Modulators		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2007/068292

The international filing date of the corresponding PCT application(s) is/are: 4 May 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.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

PTO/SB/20PCT-EP (05-10)
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U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	12/299,290
First Named Inventor:	Wenqi GAO

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 19 Dec 2008

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on 19 Dec 2008

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1		Canceled
2		Canceled
3		Canceled
4		Canceled
5		Claim is identical
		Box VIII Observation: Claims 1-12 are objected to as lacking clarity because
		the claimed solvates and hydrates in the original claims are not supported by the
		description. Applicants will amend claim 5 to delete solvates and hydrates;
		accordingly, claim 5 will avoid the observation described in Box VIII.
6		Canceled
7		Canceled
8		Canceled
9		Canceled
10		Canceled
11		Canceled
12		Canceled

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Chihang A. Smith, Reg. No. 42931/	Date 1 April, 2011
Name (Print/Typed) Chihang Amy Smith	Registration Number 42,931

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.
12/299,290	01/29/2009	Wenqi Gao	PAT052861-US-PCT	7763

29490 7590 05/23/2011

GENOMICS INSTITUTE OF THE
NOVARTIS RESEARCH FOUNDATION
10675 JOHN JAY HOPKINS DRIVE, SUITE E225
SAN DIEGO, CA 92121-1127

EXAMINER	
JARRELL, NOBLE E	
ART UNIT	**PAPER NUMBER**
1622	

NOTIFICATION DATE	DELIVERY MODE
05/23/2011	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):

ssesnovich@gnf.org
IPLegal@gnf.org
jclarke@gnf.org

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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GENOMICS INSTITUTE OF THE
NOVARTIS RESEARCH FOUNDATION
10675 JOHN JAY HOPKINS DRIVE, SUITE E225
SAN DIEGO, CA 92121-1127

In re Application of	:	DECISION ON REQUEST TO
GAO ET AL.	:	PARTICIPATE IN PATENT
Application No. 12/299,290	:	PROSECUTION HIGHWAY
Filed: January 29, 2009	:	PROGRAM AND PETITION
Attorney Docket No. PAT052861-US-PCT	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Cooperation Treaty - Patent Prosecution Highway (PCT-PPH) program and the petition under 37 CFR 1.102(a), filed April 1, 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PCT-PPH program and petition to make special require:

(1) The U.S. application is (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 stage 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;
(2) The latest work product in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER, indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application;
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of latest international work product, WO/ISA, or WO/IPEA or IPER, which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language;
(6) Applicant must submit the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product

of the PCT application along with an English translation thereof and a statement that the English translation is accurate if the claims are not in the English language;
(7) Applicant must submit a claim correspondence table in English; and
(8) Applicant must submit an IDS listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the PCT application along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH program and petition fails to comply with the requirement because:

(2) An observation is described in Box VIII of the WO/IPEA for the claims with respect to solvates and hydrates and with respect to the specific disease being treated. Applicant stated that the observation with respect to solvates and hydrates is moot because claim 5 has been amended to remove these claim terms. However, no amendment to the claims has been filed. Applicant has not address the observation with respect to the specific disease being treated. Applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII. The U.S. application will not be eligible to participate in the PCT-PPH pilot program if applicant does not identify and explain why the claim(s) is/are not subject to the observation described in Box VIII.

(3) Claims 1-12 in the U.S. application do not sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application. No amendment to the claims has been filed.

(7) The claim correspondence table must list the patentable claims in the PCT application.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be submitted via EFS-Web with the document description: Petition to make special under Patent Pros Hwy. Information regarding EFS-Web is available at http://www.uspto.gov/ebc/efs_help.html.

Telephone inquiries concerning this decision should be directed to Cecilia Tsang at 571-272-0562.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

Cecilia Tsang
Supervisory Patent Examiner
TC 1600

Doc Code: PET.AUTO **Document Description: Petition automatically granted by EFS-Web**	PTO/SB/141 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**Petition to Correct Assignee After Payment of Issue Fee (37 CFR 3.81(b))**
Application Number	12299341
Filing Date	03-Apr-2009
First Named Inventor	Sunil Bhave
Attorney Docket Number	3193.002A
Title of Invention	MEMS FILTER WITH VOLTAGE TUNABLE CENTER FREQUENCY AND BANDWIDTH

Pursuant to 37 CFR 3.81(b), applicant hereby request that the listed assignee with respect to U.S. Patent Number 8111114 be corrected to accurately reflect the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

☒ I certify, in accordance with 37 CFR 1.4(d)(4), that the assignment was submitted for recordation as set forth in 37 CFR 3.11 before issuance of the patent.

Correction of Assignee

Current Assignment Listed (240 char limit)
The assignment information is currently listed as:

Cornell Center for Technology, Enterprise & Commercialization

Update Assignment Listing to (240 char limit)

Change assignment information to the following:

Cornell University

☒ As required by 37 CFR 3.81, a Request for a Certificate of Correction is being filed herewith, along with the fee set forth in 37 CFR 1.20(a).

◯ Applicant(s) status remains as OTHER THAN small entity.

◯ Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

◉ Applicant(s) status remains as SMALL ENTITY.

◯ Applicant is no longer claiming small entity status. See 37 CFR 1.27(g)(2).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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 request

◯ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Wayne F. Reinke/
Name	Wayne F. Reinke
Registration Number, if applicable	36650

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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Decision Date:	March 5, 2012
In re Patent No.	8111114
Issue Date:	07-Feb-2012
Application No	12299341
Filed date	03-Apr-2009
Attorney Docket No	3193.002A

DECISION ON REQUEST
UNDER 37 CFR 3.81(b)

This is an electronic decision on the request filed March 5, 2012 under 37 CFR 3.81(b) to correct the name of the assignee of the above-identified patent by way of a Certificate of Correction.

Petitioner request that the listed assignment information be replace with updated assignment information.
Assignment Information Currently Listed As:

Cornell Center for Technology, Enterprise & Commercialization

Change Assignment Information to the Following:

Cornell University

The request is GRANTED.

Telephone inquiries concerning this decision may be directed to the the Patent Electronic Business Center (EBC) at 866-217-9197.

Inquiries regarding the issuance of a Certificate of Correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificate of Correction Branch will be notified of this decision granting the request under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

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

Studebaker & Brackett PC
One Fountain Square
11911 Freedom Drive, Suite 750
Reston VA 20190

MAIL

SEP 07 2010

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of
IWATA, HARUYUKI
Application No. 12/299,355
Filed: February 03, 2009
Attorney Docket No. 740169-58

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed July 19, 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 be (a) a national stage entry of the corresponding PCT application, or (b) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (c) a national stage application that claims domestic/foreign priority to the corresponding PCT application, (d) a national application which forms the basis for the priority claim in the corresponding PCT application, or (e) a continuation application of the U.S. application which satisfies one of the above (a) to (d) scenarios.
(2) A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the corresponding PCT application(s) which indicates at least one claim in the PCT application has novelty, inventive step, and industrial applicability.
(3) A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application(s).
(4) English translations of the documents in (2) and (3) (if the documents are not in the English language).
(5) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claims which were indicated as having novelty, inventive step, and industrial applicability in the corresponding PCT application(s).
(6) Examination of the U.S. application has not begun; and

(7) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA. WO/IPEA, IPER) of the corresponding PCT application(s).
The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Michael Horabik at 571-272-3068.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Michael Horabik/

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Browdy and Neimark, PLLC
1625 K Street, N.W.
Suite 1100
Washington DC 20006

MAILED

AUG 10 2011

OFFICE OF PETITIONS

In re Application of	:	
Masami Yoshida	:	
Application No. 12/299,454	:	ON PETITION
Filed: August 21, 2009	:	
Attorney Docket No. YOSHIDA=19	:	

This is a decision on the petition filed July 27, 2011 under the unintentional provisions of 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to properly reply in a timely manner to the non-final Office action mailed August 31, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 1, 2010. A Notice of Abandonment was mailed on March 15, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $1,620, and (3) a proper statement of unintentional delay. Accordingly, the amendment is accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 3636 for appropriate action by the Examiner in the normal course of business on the reply received July 27, 2011.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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PERKINS COIE LLP
P.O. BOX 1208
SEATTLE, WA 98111-1208

MAILED

DEC 06 2010

OFFICE OF PETITIONS

In re Application of :
Behrooz Rezvani, et al. :
Application No. 12/299,470 : DECISION ON PETITION
Filed: March 19, 2009 : TO WITHDRAW
Attorney Docket No. 63832-8004.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 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
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/299,470	03/19/2009	Behrooz Rezvani	63832-8004.US01

CONFIRMATION NO. 9711

POWER OF ATTORNEY NOTICE

22918
PERKINS COIE LLP
P.O. BOX 1208
SEATTLE, WA 98111-1208

OC000000044776057

Date Mailed: 12/02/2010

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

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Sheppard, Mullin, Richter & Hampton, LLP
390 Lytton Avenue
Palo Alto, CA 94301

MAILED
NOV 07 2011
OFFICE OF PETITIONS

In re Application of :
Behrooz Rezvani et al :
Application No. 12/299,470 : DECISION ON PETITION
Filed: March 19, 2009 : TO WITHDRAW
Attorney Docket No. 25DX-159227 : 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 **moot because a revocation of power of attorney has been filed.**

A review of the file record indicates that the power of attorney to Sheppard, Mullin, Richter & Hampton, LLP and all attorneys/agents of record has been revoked by the assignee of the patent application on October 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 Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: IP Creators
P.O. Box 2789
Cupertino, CA 95015

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/299,554	05/01/2009	Susan Marie Reutzel-Eden	MERCK-3530	1567

23599 7590 12/07/2011

MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
2200 CLARENDON BLVD.
SUITE 1400
ARLINGTON, VA 22201

EXAMINER	
SACKEY, EBENEZER O	
ART UNIT	PAPER NUMBER
1624	

NOTIFICATION DATE	DELIVERY MODE
12/07/2011	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@mwzb.com

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DEC - 7 2011

MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
2200 CLARENDON BLVD.
SUITE 1400
ARLINGTON VA 22201

In re Application of:
Reutzel-Eden et al.
Serial No.: 12/299,554
Filed: May 1, 2009
Attorney Docket No.: **MERCK-3530**

: PETITION DECISION

This is in response to the petition under 37 CFR § 1.59(b), filed November 7, 2011, to expunge information from the above identified application.

Petitioner requests that the reference designated C1 in the Information Disclosure Statement filed July 8, 2010, Reutzel-Edens, "Comprehensive Solid Form Screening and Physical characterization of Prucanserin (2422347) Maleate and Phosphate Salts," PSR & D Technical Report, September 14, 2005, pp. 1-43, be expunged from the file. As explained in the Declaration under 37 CFR § 1.132 filed on even date, the Reutzel-Edens document was an internal document, containing proprietary information, and was never available to the public.

Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 04/13/12

TO SPE OF : ART UNIT 1635

SUBJECT : Request for Certificate of Correction for Appl. No.: 12299572 Patent No.: 8143230

CofC mailroom date: 04/04/12

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580
You can fax the Directors/SPE response to 571-273-3421

Note: Should the changes to claim 1 be approved?

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

X **Approved**	**All** changes apply.
❑ **Approved in Part**	Specify below which changes **do not** apply.
❑ **Denied**	State the reasons for denial below.

Comments: _____

_____

_____

_____

_____

/Heather Calamita/ **1635**

SPE **Art Unit**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:

DATE :

TO SPE OF : ART UNIT

SUBJECT : Request for Certificate of Correction on Patent No.:

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☐ **Approved** All changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/299,577	11/04/2008	Masami Kono	IS-US085212	1724

7590 08/13/2010

GLOBAL IP COUNSELORS, LLP
1233 20TH STREET, NW, SUITE 700
WASHINGTON, DC 20036-2680

EXAMINER	
GIBSON, RANDY W	

ART UNIT	PAPER NUMBER
2841	

MAIL DATE	DELIVERY MODE
08/13/2010	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☑ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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HOLLAND & HART, LLP
P.O BOX 8749
DENVER, CO 80201

MAILED

NOV 30 2011

OFFICE OF PETITIONS

In re Application of :
Ted C. Crawford :
Application No. 12/299,597 : DECISION ON PETITION
Filed: September 25, 2009 : TO WITHDRAW FROM
Attorney Docket No. P003.WO.US (73320.0004) : RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 10.40 filed November 16, 2011.

The request is **NOT APPROVED**.

The Office will no longer approve requests from practitioners to withdraw from application where the requesting practitioners is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34. In these situations, the practitioner is responsible for the correspondence the practitioner files in the application while acting in a representative capacity. As such, there is no need for the practitioner to obtain the Office's permission to withdraw from representation. However, practitioners acting in a representative capacity, like practitioners who have power of attorney in the application, remain responsible for noncompliance with 37 CFR 1.56, as well as 37 CFR 10.18, with respect to the documents they file.

A review of the file record indicates that Michael R. Henson and the attorneys/agents associated with Customer Number 26582 does not have power of attorney in this patent application, but have been employed or otherwise engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is not applicable.

Additionally, it is noted that Michael R. Henson and the attorneys/agents associated with Customer Number 26582 did not make all the required certifications. Petitioner should note that USPTO Form Number PTO/SB/83 requires practitioner to "check each box below that is factually correct" and Warns that "If a box is left unchecked, the request will likely not be approved. (*See USPTO Form No. PTO/SB/83*).

Further, an Office action was mailed May 17, 2011, which set a three months response period. Extensions of time under 37 CFR 1.136 was permitted. Since no reply was timely filed on or before August 17, 2011, this application is abandoned by operation of the law. Thus, petitioner is reminded that no further consideration of the present request will be considered, since the above application is regarded as abandoned.

Any future communications from the Office will continue to be directed to the above-listed address until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

cc: Ted C. Crawford
P.O. Box 9849
Denver, CO 80209

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Decision Date : August 17,2011

In re Application of :

Shuji Tanaka

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12299625

Filed : 05-Nov-2008

Attorney Docket No : 332841US28PCT

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed August 17,2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 2884 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web	PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)**
Application Number	12299625
Filing Date	05-Nov-2008
First Named Inventor	Shuji Tanaka
Art Unit	2884
Examiner Name	HOAN TRAN
Attorney Docket Number	332841US28PCT
Title	CHARGING DEVICE, PROCESS CARTRIDGE, AND IMAGE FORMING 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	/kevin mckinley/
Name	Kevin M. McKinley
Registration Number	43794

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BACHMAN & LAPOINTE, P.C.
900 CHAPEL STREET
SUITE 1201
NEW HAVEN CT 06510

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JUN 06 2011

PCT LEGAL ADMINISTRATION

In re Application of :
GAUFFRE et al. :
Application No.: 12/299,649 : DECISION
PCT No.: PCT/FR2007/000301 :
Int. Filing Date: 19 February 2007 :
Priority Date: 10 May 2006 :
Attorney Docket No.: 08-429 :
For: DEVICE AND METHOD FOR DETECTING A :
DEFECT IN A FINNISH RING OF A GLASS :

This is a decision on applicants' petition under 37 CFR 1.47(a) filed 18 April 2011 in the United States Patent and Trademark Office (USPTO). The petition is **DISMISSED** without prejudice.

BACKGROUND

On 19 February 2007, applicants filed international application PCT/FR2007/000301, which designated the United States and claimed a priority date of 10 May 2006. A copy of the international application was communicated from the International Bureau to the USPTO on 15 November 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 10 November 2008.

On 05 November 2008, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee and a declaration of inventors.

On 18 April 2011, applicants filed the instant petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a declaration of facts by Loic Quentin De Gromard with documentation in support thereof.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h); (2) factual proof that the missing joint inventor refuses to execute the application or

cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Items (1), (3), and (4) have been satisfied.

Item (2) has not been satisfied. To establish a refusal to sign, it is required that the inventor be presented with the application papers (specification, including claims, drawings, and oath or declaration). See MPEP 409.03(d). "It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. *In re Gray*, 115 USPQ 80 (Comm'r Pat. 1956)." MPEP § 409.03(d) states in part:

> 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.

The statement of facts by Loic Qentin De Gromard has been considered. However, it does not appear that Mr. De Gromard has firsthand knowledge of the mailing of the correspondence sent to non-signing inventor Didier Heckmann. Additionally, it does not appear that Mr. Heckmann was presented with a copy of the application papers. No mention is made that any of the correspondence sent to Mr. Heckmann included the specification, claims, and drawings. Also, although it is indicated that the letter to Mr.Heckmann were sent by registered mail, no mail receipts have been provided.

CONCLUSION

For the above reasons, applicants' 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. **Failure to timely file the proper response will result in abandonment of this application.** 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.

/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

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OCT 21 2011

PCT LEGAL ADMINISTRATION

In re Application of :
GAUFFRE et al. :
Application No.: 12/299,649 : DECISION
PCT No.: PCT/FR2007/000301 :
Int. Filing Date: 19 February 2007 :
Priority Date: 10 May 2006 :
Attorney Docket No.: 08-429 :
For: DEVICE AND METHOD FOR DETECTING A DEFECT IN A FINNISH RING OF A GLASS :

This is a decision on applicants' petition under 37 CFR 1.47(a) filed 05 August 2011 in the United States Patent and Trademark Office (USPTO). The petition is **DISMISSED** without prejudice.

BACKGROUND

On 19 February 2007, applicants filed international application PCT/FR2007/000301, which designated the United States and claimed a priority date of 10 May 2006. A copy of the international application was communicated from the International Bureau to the USPTO on 15 November 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 10 November 2008.

On 05 November 2008, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee and a declaration of inventors.

On 18 April 2011, applicants filed the instant petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a declaration of facts by Loic Quentin De Gromard with documentation in support thereof.

On 06 June 2011, a decision was issued dismissing without prejudice applicants' petition under 37 CFR 1.47(a).

On 05 August 2011, applicants filed the instant renewed petition which was accompanied by, *inter alia*, a statement of facts by Mrs. Lynda Franqueville with documentation in support thereof.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Items (1), (3), and (4) have been met.

Item (2) has not been met. The declaration of facts by Mrs. Franqueville has been considered. The copy of the application papers sent to non-signing inventor Didier HECKMANN on 20 April 2011 was returned as non-deliverable. In such an instance, a diligent effort to find the inventor's current address must be made. If a current address is not found, it must be shown that the non-signing inventor cannot be reached after diligent effort. If a current address is found, then it must be shown that the inventor refuses to execute the application. A refusal to execute the application is distinct from a situation where the inventor cannot be reached after diligent effort. *See, e.g.,* MPEP 409.03(d), item I. "Inventor Cannot Be Reached" and item II. "Refusal to Join."

Inventor Cannot Be Reached

MPEP § 409.03(d), item I, 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 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.

No such statement of facts or documentary evidence has been provided.

Refusal to Join

If a current address for Mr. HECKMANN is found, it must be established that he refuses to sign. Accordingly, it must be established that he was presented with the application papers (specification, including claims, drawings, and oath or declaration). See MPEP 409.03(d). "It is

reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. *In re Gray*, 115 USPQ 80 (Comm'r Pat. 1956)."

CONCLUSION

For the above reasons, applicants' 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. **Failure to timely file the proper response will result in abandonment of this application.** 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.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
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Legal Administration
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MAR 09 2011

OFFICE OF PETITIONS

GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON VA 20191

In re Application of :
Misa Ochiai :
Application No. 12/299,662 :
Filed: November 5, 2008 :
Attorney Dkt No. P35249 :
For: FATTY ACID SYNTHETASE, POLYNUCLEOTIDE ENCODING THE SAME, AND USES THEREOF :

ON APPLICATION FOR PATENT TERM ADJUSTMENT

This is in response to the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER TO 37 CFR §1.705(b)", filed January 31, 2011. Applicant requests that the determination of patent term adjustment be corrected from zero (0) days to twenty-nine (29) days.

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

The application for patent term adjustment is **GRANTED**.

Applicant disputes the 63 day reduction for the submission of the supplemental amendment on November 19, 2010. Applicant contends the November 19, 2010 was requested by the examiner thus the 63 day reduction should be removed.

A review of the record shows that the 63 day reduction for the submission of the supplemental amendment on November 19, 2010 was not warranted. 37 CFR §1.704(c)(8) provides that a period of reduction is entered for:

> Circumstances that constitute a failure of the applicant to engage in reasonable efforts to conclude processing or examination of an application also include the

following circumstances, which will result in the following reduction of the period of adjustment set forth in § 1.703 to the extent that the periods are not overlapping:

(8) Submission of a supplemental reply or other paper, other than a supplemental reply or other paper expressly requested by the examiner, after a reply has been filed, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date the initial reply was filed and ending on the date that the supplemental reply or other such paper was filed;

In this instance, the submission of the November 19, 2010 supplemental response does not constitute a failure to engage in reasonable efforts to conclude prosecution. Accordingly, the 63 day reduction will be removed.

Applicant's delay prior to the mailing of the Notice of Allowance is zero (0) days. Office delay prior to the mailing of the Notice of Allowance is twenty-nine (29) days.

In view thereof, the correct patent term adjustment at the time of the mailing of the notice of allowance is twenty-nine (29) days.

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and **must** include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Attorney
Office of Petitions

Enclosure: Copy of REVISED PALM Screen

PTA/PTE Information | Patent Term Adjustment | Patent Term Extension

Application Number*: 12299662 Search | Explanation of PTA Calculation | Explanation of PTE Calculation

PTA Calculations for Application: 12299662

Application Filing Date	11/05/2008	OverLapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays:	29
A Delays	29	PTO Manual Adjustment	63
B Delays	0	Applicant Delay (APPL)	63
C Delays	0	Total PTA (days)	29

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
73	03/07/2011		P028	Adjustment of PTA Calculation by PTO	63	0	
63	12/02/2010		MN/=.	Mail Notice of Allowance		0	
62	11/29/2010		IREV	Issue Revision Completed		0	
61	11/29/2010		DVER	Document Verification		0	
60	11/29/2010		ACRE	Allowed Case Returned to the Examiner for Clerical Processing		0	
59	11/29/2010		N/=.	Notice of Allowance Data Verification Completed		0	
58	11/29/2010		DOCK	Case Docketed to Examiner in GAU		0	
57	11/29/2010		CNTA	Allowability Notice		0	
56	11/23/2010		FWDX	Date Forwarded to Examiner		0	
55	11/19/2010	09/17/2010	SA..	Supplemental Response	63	49	
50	09/21/2010		FWDX	Date Forwarded to Examiner		0	
54	09/17/2010		IDSC	Information Disclosure Statement considered		0	
53	09/17/2010		WIDS	Information Disclosure Statement (IDS) Filed		0	
52	09/17/2010		RCAP	Reference capture on IDS		0	
51	09/17/2010		M844	Information Disclosure Statement (IDS) Filed		0	
49	09/17/2010		A...	Response after Non-Final Action		0	
48	06/23/2010		ELC_RVW	Electronic Review		0	
47	06/23/2010		EML_NTF	Email Notification		0	
46	06/23/2010		MCTNF	Mail Non-Final Rejection		0	
45	06/18/2010		CTNF	Non-Final Rejection		0	
43	05/28/2010		FWDX	Date Forwarded to Examiner		0	
42	05/26/2010		ELC.	Response to Election / Restriction Filed		0	
41	05/04/2010		ELC_RVW	Electronic Review		0	
40	05/04/2010		EML_NTF	Email Notification		0	
39	05/04/2010		MCTRS	Mail Restriction Requirement		0	
38	04/29/2010		CTRS	Restriction/Election Requirement		0	
34	03/14/2010		FWDX	Date Forwarded to Examiner		0	
33	02/24/2010		ELC.	Response to Election / Restriction Filed		0	
32	02/03/2010		ELC_RVW	Electronic Review		0	
31	02/03/2010		EML_NTF	Email Notification		0	
30	02/03/2010	01/05/2010	MCTRS	Mail Restriction Requirement	29	15	
29	01/25/2010		CTRS	Restriction/Election Requirement		0	
21	01/18/2010		DOCK	Case Docketed to Examiner in GAU		0	
20	01/01/2010		EML_NTR	Email Notification		0	
19	12/31/2009		PG-ISSUE	PG-Pub Issue Notification		0	
18	10/08/2009		OIPE	Application Dispatched from OIPE		0	
17	09/25/2009		EML_NTR	Email Notification		0	
16	09/25/2009		EML_NTR	Email Notification		0	
13	09/25/2009		FLRCPT.O	Filing Receipt		0	
12	09/25/2009		M903	Notice of DO/EO Acceptance Mailed		0	
14	09/24/2009		PGPC	Sent to Classification Contractor		0	
28	06/15/2009		CRFL	CRF Disk Has Been Received by Preexam / Group / PCT		0	
9	06/15/2009		CRFE	CRF Is Good Technically / Entered into Database		0	
27	06/03/2009		A.PE	Preliminary Amendment		0	
11	06/03/2009		ADDFLFEE	Additional Application Filing Fees		0	
10	06/03/2009		CRFL	CRF Disk Has Been Received by Preexam / Group / PCT		0	
8	05/29/2009		CRFD	CRF Is Flawed Technically / Not Entered into Database		0	
26	04/30/2009		A.PE	Preliminary Amendment		0	
7	04/03/2009		ELC_RVW	Electronic Review		0	
6	04/03/2009		EML_NTF	Email Notification		0	
5	04/03/2009		M922	Sequence disclosure problems		0	
44	02/05/2009		IDSC	Information Disclosure Statement considered		0	
25	02/05/2009		RCAP	Reference capture on IDS		0	
24	02/05/2009		M844	Information Disclosure Statement (IDS) Filed		0	
4	02/05/2009		WIDS	Information Disclosure Statement (IDS) Filed		0	

23	11/05/2008	RQPR	Request for Foreign Priority (Priority Papers May Be Included)	0
22	11/05/2008	A.PE	Preliminary Amendment	0
15	11/05/2008	371COMP	371 Completion Date	0
3	11/05/2008	L194	Cleared by OIPE CSR	0
2	11/05/2008	SCAN	IFW Scan & PACR Auto Security Review	0
1	11/05/2008	IEXX	Initial Exam Team nn	0
0.5	05/08/2007	NEFILE	International Filing date	0

Export to: Excel

UNITED STATES PATENT AND TRADEMARK OFFICE

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OCT 26 2010

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STITES & HARBISON PLLC
401 COMMERCE STREET
SUITE 800
NASHVILLE TN 37219

PCT LEGAL ADMINISTRATION

In re Application of SHABANY et al.
Application No.: 12/299,753
PCT No.: PCT/US07/68496
Int. Filing: 08 May 2007
Priority Date: 08 May 2006
Attorney Docket No.: 11636N/32920US
For: STABILIZED FORMULATION OF TRIAMCINOLONE ACETONIDE

DECISION ON

PETITION UNDER

37 CFR 1.47(a)

This is a decision on applicant's Request For Reconsideration of Decision on the Petition Under 1.47(a)" filed in the United States Patent and Trademark Office on 12 August 2010. Applicant's request for a four month extension of time is granted.

BACKGROUND

The procedural history of this application was set forth in the decision mailed on 16 February 2010 and is hereby incorporated by reference. Applicant contends that the petition under 37 CFR 1.47(a) is now moot because the previously non-signing inventor has signed the application papers. Applicant submitted a copy of the declaration executed by the previously nonsigning inventor Hossein Shabany.

DISCUSSION

Petitioner has now presented the declaration signed by inventor Hossein Shabany. The petition under 37 CFR 1.47(a) is considered moot as a declaration executed by the previously unavailable inventor has now been submitted.

However, the declaration executed by inventor Shabany is unacceptable under 37 CFR 1.497(a) and (b). The declaration submitted on 12 August 2010 is a five page declaration. However, the declaration as submitted is comprised of six pages as two copies of Page 4 were submitted, executed by different inventors. The declaration appears to be a composite declaration created from the combination of separately executed declarations. The declaration is not properly executed. *It appears that either the attorney pieced together separate complete declarations into one composite declaration or that the inventors were presented with an incomplete declaration.* While it is acceptable for applicants to execute separate copies of the declaration, *the entire declaration, as executed by the inventor, must be submitted.* "Where

individual declarations are executed, they must be submitted as individual declaration rather than combined into one declaration." *See* MPEP 201.03. The declaration is unacceptable as filed and thus, the requirements of 37 CFR 1.497 (a) and (b) have not been met. Copies of complete declarations are required.

CONCLUSION

For the above reasons, the petition under 37 CFR 1.47(a) is **DISMISSED AS MOOT**.

As stated above, the declaration, executed by the previously non-signing inventor and the joint inventors which was submitted 12 August 2010, is unacceptable at this time and is not in compliance with 37 CFR 1.497(a) and (b)

Applicant must file a response within TWO (2) MONTHS from the mail date of this decision. No petition fee is required. Any further extensions of time available 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.

/Cynthia M. Kratz/
Cynthia M. Kratz
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UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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JAN 11 2011

PCT LEGAL ADMINISTRATION

STITES & HARBISON PLLC
401 COMMERCE STREET
SUITE 800
NASHVILLE TN 37219

In re Application of SHABANY et al.	:	
Application No.: 12/299,753	:	
PCT No.: PCT/US07/68496	:	DECISION ON
Int. Filing: 08 May 2007	:	
Priority Date: 08 May 2006	:	PETITION UNDER
Attorney Docket No.: 11636N/32920US	:	
For: STABILIZED FORMULATION OF TRIAMCINOLONE ACETONIDE	:	37 CFR 1.497(a)

This is a decision on applicant's declarations under 1.497(a) and (b) filed in the United States Patent and Trademark Office on 05 November 2010.

The procedural history of this application was set forth in the decision mailed on 26 October 2010 and is hereby incorporated by reference.

Applicant submitted copies of the declarations executed by the previously nonsigning inventor Hossein Shabany and the joint inventors. It is acceptable for applicants to execute separate copies of the declaration. The declarations submitted on 05 November 2010 are acceptable as filed and thus, the requirements of 37 CFR 1.497 (a) and (b) are now met.

The application will be forwarded to the United States Designated/Elected Office for further processing in accord with this decision. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 05 November 2010.

/Cynthia M. Kratz/
Cynthia M. Kratz
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JUN 20 2011

PCT LEGAL ADMINISTRATION

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

In re Application of
Hershkovitz
Application No. 12/299,756
PCT No.: PCT/CA2007/000727
Int. Filing Date: 27 April 2007
Priority Date: 04 May 2006
Att. Docket No.: 636.0003CIP
For: Security System Entry Control

This is a decision on the petition under 37 CFR 1.78(a)(6), filed September 27, 2010, to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of prior-filed provisional application 60/884,536. The petition is being construed as petitions under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) to accept an unintentionally delayed claim under 35 U.S.C. §§120, 365(c) and 119(e) for the benefit of the prior-filed applications set forth in the application data sheet filed on September 29, 2009.

The petitions are **GRANTED**.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed applications is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii) and 1.78(a)(5)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3) and 1.78(a)(6).

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional where there is a question whether the delay was unintentional.

The petition complies with the requirements for a grantable petition under 37 CFR §§1.78(a)(3) and 1.78(a)(6) in that (1) a reference to the prior-filed applications has been included in an Application Data Sheet (filed on September 29, 2009), as provided by 37 CFR §§ 1.78(a)(2)(iii)

and 1.78(a)(5)(iii); (2) the surcharge required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a statement of unintentional delay. 37 CFR 1.78(a)(3) and 1.78(a)(6) require 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. Since the statement contained in the petition varies from the required language, the statement will be construed as the statement required by 37 CFR 1.78(a)(3) and 1.78(a)(6). Petitioner must notify the Office if this is not a correct reading of the statement appearing in the petition. Accordingly, having found that the petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. §§ 120 and 119(e) to the prior-filed applications satisfies the conditions of 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), the 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 claims to the prior-filed applications, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to George Dombroske at the number provided below. 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 2612 for appropriate action including consideration by the examiner of the claim for the benefit of the earlier-filed applications.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

/Bryan Lin/
Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

ATTACHMENT: Corrected Filing Receipt

and 1.78(a)(5)(iii); (2) the surcharge required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a statement of unintentional delay. 37 CFR 1.78(a)(3) and 1.78(a)(6) require 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. Since the statement contained in the petition varies from the required language, the statement will be construed as the statement required by 37 CFR 1.78(a)(3) and 1.78(a)(6). Petitioner must notify the Office if this is not a correct reading of the statement appearing in the petition. Accordingly, having found that the petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. §§ 120 and 119(e) to the prior-filed applications satisfies the conditions of 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), the 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 claims to the prior-filed applications, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to George Dombroske at the number provided below. 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 2612 for appropriate action including consideration by the examiner of the claim for the benefit of the earlier-filed applications.

/George Dombroske/
George Dombroske
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/Bryan Lin/
Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

ATTACHMENT: Corrected Filing Receipt

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MORRISON & FOERSTER LLP
755 PAGE MILL RD
PALO ALTO, CA 94304-1018

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FEB 17 2011

OFFICE OF PETITIONS

In re Application of :
Anderson et al. :
Application No. 12/299,762 : DECISION ON PETITION
Filed: June 3, 2009 TO WITHDRAW FROM RECORD
Attorney Docket No. 3485-10386US :
:

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 January 27, 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

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SAY SYSTEMS LTD.
P.O. Box 17223
Karori
Wellington, 6147
New Zealand

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JUL 22 2011

PCT LEGAL ADMINISTRATION

In re Application of :
GIBSON, David John Michael :
U.S. Application No.: 12/299,905 :
PCT No.: PCT/NZ2007/000102 :
Int. Filing Date: 09 May 2007 :
Priority Date: 10 May 2006 :
Docket No.: None :
For: ANIMAL MONITORING SYSTEM :

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicant's petition to revive under 37 CFR 1.137(b) filed on 09 June 2011 is hereby **GRANTED** as follows:

The additional claim fee of $26.00 and the petition fee for a small entity of $810.00 have been paid. Applicants made the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required.

Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

This application is being forwarded to the United States Designated/Elected Office for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web	PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)
Application Number	12299931
Filing Date	07-Nov-2008
First Named Inventor	Alexis Vartanian
Art Unit	2628
Examiner Name	MAURICE MCDOWELL, JR
Attorney Docket Number	6604-006
Title	METHOD OF CODING AND SYSTEM FOR DISPLAYING ON A SCREEN A DIGITAL MOCK-UP OF AN OBJECT IN THE FORM OF A SYNTHESIS IMAGE

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	/Brian C. Rupp/
Name	Brian C. Rupp
Registration Number	35665

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Decision Date : April 13, 2012

In re Application of :

Alexis Vartanian

Application No : 12299931

Filed : 07-Nov-2008

Attorney Docket No : 6604-006

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed April 13, 2012 , to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Issue Fee(s) Due. The date of abandonment is the day after the expiration date of the period set for reply in the Notice.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue Fee and the Publication Fee (if necessary); (2) the petition fee as set forth in 37 CFR 1.17 (m); (3) the drawing correction and/or other deficiencies (if necessary); and (4) the required statement of unintentional delay have been received. Accordingly, the Issue Fee payment is accepted as having been unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Office of Data Management.

Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

01 OCT 2010

COMMISSIONER FOR PATENTS
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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

In re Application of KIM et al	:	
U.S. Application No.: 12/299,948	:	
PCT Application No.: PCT/KR2007/003609	:	
Int. Filing Date: 26 July 2007	:	DECISION
Priority Date Claimed: 26 July 2006	:	
Attorney Docket No.: Q110175	:	
For: LABEL AND METHOD FOR PREPARING THE SAME	:	

This is in response to applicant's correspondence filed 18 December 2009, which is being treated as a renewed request for status under 37 CFR 1.42.

BACKGROUND

On 26 July 2007, applicant filed international application PCT/KR2007/003609, which claimed priority of an earlier Korea application filed 26 July 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 31 January 2008. The thirty-month period for paying the basic national fee in the United States expired on 26 January 2009.

On 07 November 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 08 May 2009, 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 oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 08 July 2009, applicant filed a request for status under 37 CFR 1.42 along with an executed declaration.

On 22 October 2009, this Office mailed a decision dismissing the 08 July 2009 request for status.

On 18 December 2009, applicant filed the instant renewed request for status along with an executed declaration.

DISCUSSION

The declaration states that joint inventor Jae Soon Kim is deceased.

37 CFR 1.42 provides, "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

The declaration filed 18 December 2009 is in compliance with 37 CFR 1.42 and 1.497.

CONCLUSION

For the reasons above, the renewed request for status under 37 CFR 1.42 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 26 July 2007, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 18 December 2009.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

UNITED STATES PATENT and TRADEMARK OFFICE

23 SEP 2010

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MCNEES WALLACE & NURICK LLC
100 PINE STREET
P.O. BOX 1166
HARRISBURG PA 17108-1166

In re Application of :
GARIELE et al :
Application No.: 12/299,951 :
PCT No.: PCT/US2007/68706 :
Int. Filing Date: 10 May 2007 : DECISION
Priority Date: 10 May 2006 :
Attorney Docket No.: 02910-0011-01 :
For: EXTRUDED FILAMENT HAVING HIGH... :
AND PRODUCT AUTHENTICATION :

This decision is in response to applicants' "REPLY TO DECISION ... OFFICE (DO/EO/US)" filed on 02 March 2010, which is being treated as a petition under 37 CFR 1.181.

BACKGROUND

In a decision from this Office on 06 January 2010, the decision indicated that the composite declaration was improper.

On 06 January 2010, a renewed petition was submitted that contains three individual sets of the declaration each having three sheets that take as a whole has all the required signatures.

DISCUSSION

A Declaration, under 37 CFR 1.497(a)(3) must identify each inventor. See MPEP § 602. Each declaration must be complete with the proper statements and the names of each inventor even though each set of declaration may not have all the signatures of the inventors. Therefore, a proper declaration must consist of individual complete sets of declaration that taken as a whole would have all the required signatures as required under 37 CFR 1.497(a)(3).

In this instance, however, each sheet appears to be a declaration by itself. As a result, the petitioner must affirmatively state that at the time each co-inventor signed the declaration, each signing co-inventor had the three sheets, which would comprise a set, that identified all the five co-inventors. Otherwise, petitioner will need to submit a proper composite declaration.

For the reasons above, the application may not still enter into national stage processing at this time.

CONCLUSION

The petition under 37 CFR 1.181 is **DISMISSED** without prejudice.

If reconsideration of the merits of the petition under 37 CFR 1.181 is 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 1.181."

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
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PCT Legal Office
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100 PINE STREET
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MAILED

JAN 07 2011

PCT LEGAL ADMINISTRATION

In re Application of :
GARIELE et al :
Application No.: 12/299,951 :
PCT No.: PCT/US2007/68706 :
Int. Filing Date: 10 May 2007 : DECISION
Priority Date: 10 May 2006 :
Attorney Docket No.: 02910-0011-01 :
For: EXTRUDED FILAMENT HAVING HIGH... :
AND PRODUCT AUTHENTICATION :

This decision is in response to applicants' "RENEWED PETITION UNDER 37 CFR 1.181... SEPTEMBER 23, 2010" filed on 11 November 2010.

BACKGROUND

In a decision from this Office on 23 September 2010, the decision indicated that the declaration was improper.

On 11 November 2010, a renewed petition was submitted

DISCUSSION

Petitioner indicates that the declaration submitted on March 2, 2010 that all three pages were distributed to each of the five co-inventors. That is, each co-inventor that signed had all three sheets that identified all five co-inventors.

Accordingly, the declaration filed on March 2, 2010 is a properly executed declaration.

CONCLUSION

The petition under 37 CFR 1.181 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 March 2010.**

Rafael Bacares
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United States Patent and Trademark Office

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PROSKAUER ROSE LLP
ONE INTERNATIONAL PLACE
BOSTON MA 02110

MAILED

MAR 24 2011

PCT LEGAL ADMINISTRATION

In re Application of
Axilrod et al.
Application No.: 12/300,036
PCT No.: PCT/US2007/068472
Int. Filing Date: 08 May 2007
Priority Date: 08 May 2006
Attorney Docket No.: DTC-002US
For: Data Storage And Processor For Storing And Processing Data Associated With Derivative Contracts And Trades Related To Derivative...

DECISION
ON
PETITION

This is in response to the renewed petition under 37 CFR 1.47(a) and submission under 37 CFR 1.497(d) filed on 21 January 2011.

DISCUSSION

Petition Under 37 CFR 1.47(a)

In a Decision mailed on 21 June 2010, the petition under 37 CFR 1.47(a) filed on 22 April 2010 was dismissed, without prejudice, because requirements (2) and (4) had not been satisfied.

In response, petitioner has provided declarations signed by all of the named inventors. As such, the petition under 37 CFR 1.47(a) has been rendered moot.

Submission Under 37 CFR 1.497(d)

In the Decision mailed on 21 June 2010, the declaration was not accepted under 37 CFR 1.497(d) because requirement (1) had not been satisfied.

In response, petitioner has provided appropriate statements by each of the inventors who were not named during the international phase.

DECISION

The petition under 37 CFR 1.47(a) is **DISMISSED AS MOOT**, without prejudice.

The declaration filed on 21 January 2011 is **ACCEPTED** under 37 CFR 1.497(d).

This application is being returned to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **21 January 2011**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
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- 9 SEP 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

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1228 Euclid Avenue, 5th Floor
The Halle Building
Cleveland OH 44115

In re Application of	:	
DONEGAN, Shawn, et al.	:	
Application No.: 12/300,050	:	DECISION
PCT No.: PCT/US2007/068461	:	
Int. Filing Date: 08 May 2007	:	ON PETITION UNDER
Priority Date: 08 May 2006	:	
Docket No.: TRAC 2 00006 US	:	37 CFR 1.47(a)
For: FLUID APPLICATOR ASSEMBLY	:	

This is a decision on applicants' renewed Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 02 July 2010.

BACKGROUND

On 02 April 2010, the Office mailed Decision On Petition Under 37 CFR 1.47(a), dismissing applicant's petition without prejudice.

On 02 July 2010, applicants filed a renewed petition under 37 CFR 1.47(a) and the fee for a one month extension of time.

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Items (1) (3) and (4) were previously satisfied. Applicants state the last known address of Mr. Shawn Donegan as 11860 Lake Avenue, Lakewood, OH 44107.

Item (2) has been satisfied.

CONCLUSION

For the above reasons, applicant's 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 the nonsigning 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 forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including accordation of a 35 U.S.C. §371(c)(1), (c)(2) and (c)(4) date of **26 May 2009**.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

- 9 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

Shawn Donegan
11860 Lake Avenue
Lakewood, OH 44107

In re Application of
DONEGAN, Shawn, et al.
Application No.: 12/300,050
PCT No.: PCT/US2007/068461
Int. Filing Date: 08 May 2007
Priority Date: 08 May 2006
Docket No.: TRAC 2 00006 US
For: FLUID APPLICATOR ASSEMBLY

Dear Mr. Donegan:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

FAY SHARPE LLP
1228 Euclid Avenue, 5th Floor
The Halle Building
Cleveland OH 44115

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EXXON MOBIL UPSTREAM
RESEARCH COMPANY
P.O. BOX 2189
(CORP-URC-SW 359)
HOUSTON, TX 77252-2189

MAILED
SEP 09 2011
PCT LEGAL ADMINISTRATION

In re Application of KREBS et al :
U.S. Application No.: 12/300,093 :
PCT Application No.: PCT/US2007/006680 :
Int. Filing Date: 16 March 2007 : DECISION
Priority Date Claimed: 12 June 2006 :
Attorney Docket No.: 2006UR025 :
For: UPDATING VELOCITY MODELS USING :
MIGRATION VELOCITY SCANS :

This is in response to the correspondence filed 22 August 2011, which is being treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 16 March 2007, applicant filed international application number PCT/US2007/006680, which claimed priority to an earlier United States application filed 12 June 2006. The thirty-month deadline for entry into the U.S. national stage expired on 12 December 2008.

On 07 November 2008, applicant filed purported national stage papers under 35 U.S.C. 371 via the EFS-Web electronic filing system of the USPTO ("EFS-Web"). The submission was assigned U.S. Application number 12/300,093. Although applicant entered "PCT/US07/06680" into the EFS-Web user interface when prompted for the international application number, the transmittal letter (Form PTO-1390) and certain other documents referenced international application number "PCT/US2007/007139".

On 18 November 2007, applicant attempted to file a second set of national stage papers based on application number PCT/US2007/006680. This second submission was assigned U.S. Application number 12/301,369.

On 29 January 2009, the United States Designated/Elected Office (DO/EO/US) mailed a Notice of Acceptance of Application under 35 U.S.C. 371 (Form PCT/DO/EO/903) in the present application.

On 22 August 2011, applicant filed the instant petition under 37 CFR 1.181.

DISCUSSION

The petition states that placement of the incorrect international application number on certain documents comprising the 07 November 2008 submission was an inadvertent mistake. Since the correct international application number PCT/US2007/006680 was present on at least one document, correction of the application is permissible. Applicant's explanation for the error is accepted.

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 29 January 2009 is hereby VACATED.

The serialization of U.S. Application number 12/301,369 is hereby VACATED.

This application is being forward to the DO/EO/US for 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), which should indicate a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 18 November 2008, and a corrected filing receipt.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/300,102	Filing date:	
First Named Inventor:			
Title of the Invention:			

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2006/017810

The international date of the corresponding PCT application(s) is/are: The filing date of the PCT application is 09 May 2006

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☐ Is attached.

☒ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ Is attached.

☒ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12/300,102
First Named Inventor:	

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on 11/7/2008

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☒ Are attached.

Have already been filed in the above-identified U.S. application on 08/25/10

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-25	1-25	Identical except for the correction of one typo in the US App.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /s/	Date 08/25/2010
Name (Print/Typed) Dana Stangel	Registration Number 64870

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.
12/300,102	07/01/2009	Linda Zhong	M088.P-155	6051

84943 7590 10/19/2010
Maxwell Technologies, Inc. (OPLF)
9244 Balboa Avenue
San Diego, CA 92123

EXAMINER
THOMAS, ERIC W

ART UNIT	PAPER NUMBER
2835	

NOTIFICATION DATE	DELIVERY MODE
10/19/2010	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):

docket-oppedahl@oppedahl.com
USPTO_84943@Maxwell.com

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P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Maxwell Technologies, Inc. (OPLF)
9244 Balboa Avenue
San Diego CA 92123

In re Application of
ZHONG et al.
Application No.: 12/300,102
Filed: 01 July 2009
Attorney Docket No.: M088.P-155
For: ENERGY STORAGE DEVICE

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PCT PATENT
: PROSECUTION HIGHWAY PILOT
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(d)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on 25 August 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VII;

(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;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application containing the claim(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications; and

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MATTHIAS SCHOLL
14781 MEMORIAL DRIVE
SUITE 1319
HOUSTON TX 77079

MAILED

SEP 30 2010

OFFICE OF PETITIONS

In re Application of	:	
Krishna Murthy Ella et al.	:	
Application No. 12/300,150	:	DECISION ON PETITION
Filed: March 24, 2009	:	TO WITHDRAW
Attorney Docket No. CLGI-00201-NUS	:	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 23, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Matthias Scholl on behalf of all attorneys/agents associated with customer 33794. All attorneys/agents associated with customer number 33794 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address has been changed and is copied below.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Bharat Biotech International Limited
Genome Valley, Turkapally Shameerpet
Hyderabad, India 500 078

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/300,150	03/24/2009	Krishna Murthy Ella	CLGI-00201-NUS

CONFIRMATION NO. 6704

33794
MATTHIAS SCHOLL
14781 MEMORIAL DRIVE
SUITE 1319
HOUSTON, TX 77079

POWER OF ATTORNEY NOTICE

OC000000043770585

Date Mailed: 09/29/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/23/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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23117
NIXON & VANDERHYE, PC
901 North Glebe Road, 11th Floor
Arlington, VA 22203

MAILED

JAN 10 2011

PCT LEGAL ADMINISTRATION

In re Application of
BUONO *et al*
U.S. Application No.: 12/300,175
PCT No.: PCT/EP2006/005828
Int. Filing Date: 11 May 2006
Priority Date: None
Attorney Docket No.: 2590-267
For: METHOD AND DEVICE OF DETECTING, LOCATING AND/OR ANALYZING A RADIOACTIVE SOURCE(S) IN A MATERIAL, E.G. A BIOLOGICAL TISSUE

DECISION

This decision is in response to the request to withdraw as attorney of record and change of correspondence address filed on 08 September 2010. The request to withdraw as attorney of record is hereby **DISMISSED** as **MOOT**.

Counsel was never appointed in the above application. As such, counsel may not withdraw.

37 CFR 1.33(a)(1) allows practitioners to change the correspondence address prior to the filing of an oath or declaration. This request was submitted prior to the filing of the declaration. Accordingly, the change in the correspondence address in the subject application is **GRANTED**.

All future communication will be directed to the assignee, Forimtech, SA.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

cc: Forimtech, SA.
32, route de Malagnou
1208 Geneva
Switzerland

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United States Patent and Trademark Office
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Forimtech, SA.
32, route de Malagnou
1208 Geneva
Switzerland

MAILED

APR 21 2011

PCT LEGAL ADMINISTRATION

In re Application of
BUONO *et al*
U.S. Application No.: 12/300,175
PCT No.: PCT/EP2006/005828
Int. Filing Date: 11 May 2006
Priority Date: None
Attorney Docket No.: 2590-267
For: METHOD AND DEVICE OF DETECTING, LOCATING AND/OR ANALYZING A RADIOACTIVE SOURCE(S) IN A MATERIAL, E.G. A BIOLOGICAL TISSUE

DECISION

This is a decision on the "Petition to Withdraw the Improper USPTO Notice of Abandonment" filed on 10 February 2011. This is treated as a petition to withdraw the holding of abandonment under 37 CFR 1.181. No fee is required.

BACKGROUND

On 08 June 2010, 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 that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) was required. A two-month time period for response was set with extensions under 37 CFR 1.136(a).

On 07 January 2011, applicants filed a response which included an executed declaration and a five-month extension fee.

On 12 January 2011, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909) stating that applicants failed to pay the five-month extension of time fee.

On 10 February 2011, applicants filed the subject petition to withdraw the holding of abandonment which was accompanied by, *inter alia*, a copy of the documents filed 07 January 2011 and a date-stamped postcard receipt for the 07 January 2011 filing.

DISCUSSION

Applicants claim that an extension fee payment was submitted with the response

filed 07 January 2011. Applicants request that the holding of abandonment be withdrawn.

A review of USPTO financial records show that a five-month extension fee of $1,175.00 was submitted on 07 January 2011 in the above-captioned application.

DECISION

Applicants' petition to withdraw the holding of abandonment is **GRANTED**.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 12 January 2011 is hereby **VACATED**.

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

26 AUG 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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ARENT FOX LLP
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON DC 20036

In re Application of	:	
GALINDO CABELLO, José Ignacio, et al.	:	
Application No.: 12/300,300	:	DECISION ON
PCT No.: PCT/ES2007/000278	:	
Int. Filing Date: 11 May 2007	:	PETITION
Priority Date: 11 May 2006	:	
Attorney Docket No.: 027318-00046	:	UNDER 37 CFR 1.42
For: PROCESS OF CONTROLLED NUCLEAR FUSION	:	

This is a decision on applicant's renewed request for status under 37 CFR 1.42, filed in the United States Patent and Trademark Office on 23 June 2010.

BACKGROUND

On 03 June 2010, the Office mailed Decision On Petition Under 37 CFR 1.42, refusing applicants' request for status.

On 23 June 2010, applicants furnished this renewed request.

DISCUSSION

Under 35 U.S.C. §117, legal representatives of deceased inventors may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to the inventor. The "legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent." 37 CFR 1.42.

The 23 June 2010 declaration satisfies the requirements of 37 CFR 1.42 and 37 CFR 1.497(a)-(b).

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **GRANTED**.

This application is being forwarded to the National Stage Processing Division of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: (571) 272-3292

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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24573
K & L GATES LLP
P.O. Box 1135
Chicago, IL 60690

MAILED

DEC 30 2010

PCT LEGAL ADMINISTRATION

In re Application of :
ABDEL SAMAD *et al* :
U.S. Application No.: 12/300,315 :
PCT No.: PCT/EP2007/054482 :
Int. Filing Date: 09 May 2007 :
Priority Date: 10 May 2006 :
Attorney Docket No.: 3717483-088 :
For: METHOD WHICH PERMITS A :
BLOCK-BASED FILE TO BE PLAYED :
OUT DURING TRANSMISSION :

DECISION

This decision is in response to applicants' petition under 37 CFR 1.47(a) filed 22 October 2010.

BACKGROUND

On 22 March 2010, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed requesting an oath or declaration in compliance with 37 CFR 1.497(a) and (b), an English translation, a processing fee and a surcharge fee. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 22 October 2010, applicants filed the subject response which was accompanied by, *inter alia*, an English translation, a $130.00 surcharge fee; a $130.00 processing fee; a petition under 37 CFR 1.47(a); a $200.00 petition fee; a five-month extension and $2,350.00 extension fee; a declaration signed by three inventors; a declaration of Dr. Cletus Von Pichler; and a documentary evidence in support of the petition.

DISCUSSION

Applicants claim that co-inventors, Wissam ABDEL SAMAD and Thomas STOCKHAMMER are "unavailable or have refused to cooperate," and have filed the subject petition under 37 CFR 1.47(a) in response to the Form PCT/DO/EO/905 mailed 22 March 2010.

A petition under 37 CFR 1.47(a) requires: (1) the petition fee; (2) factual proof that the missing joint inventor(s) cannot be located or refuse to cooperate; (3) a statement of the last known address(es) of the nonsigning joint inventor(s); (4) and an

oath or declaration executed by the signing joint inventor(s) on their behalf and on behalf of the nonsigning joint inventor(s).

Items (1) and (3) of 37 CFR 1.47(a) are satisfied in the initial petition.[1]

Regarding item (2) of 37 CFR 1.47(a), applicants provided a declaration by Dr. Cletus Von Pichler who states that a complete copy of the subject application and a declaration were sent to the last known addresses of co-inventors, Wissam ABDEL SAMAD and Thomas STOCKHAMMER on 04 October 2010. The documents to Mr. ABDEL SAMAD were returned as undeliverable by DHL on 05 October 2010. The documents to Mr. STOCKHAMMER were delivered to him by DHL on 05 October 2010. A copy of the DHL delivery receipts were provided.

Dr. Von Pichler states that an outside search firm was hired to locate Mr. ABDEL SAMAD and identified a new address in Barcelona, Spain. A complete copy of the subject application and a declaration were mailed to the new address on 20 October 2010. These documents had yet to be delivered before the subject petition was filed. A copy of the DHL receipt verifying this was provided.

With regards to Mr. ABDEL SAMAD, a new address was (purportedly)[2] found by a search firm and documents mailed to the new address in Spain on 20 October 2010. The documents were not delivered prior to the subject petition being filed two days later on 22 October 2010. This is not enough time to demonstrate that Mr. ABDEL SAMAD is unavailable or refuses to cooperate.

With regards to Mr. STOCKHAMMER, the evidence shows that a complete copy of the subject application and a declaration was delivered to him on 05 October 2010. No response has been received as of 22 October 2010. However, the time period is also too short to conclude that Mr. STOCKHAMMER refuses to cooperate. Applicants have made no further attempts to contact Mr. STOCKHAMMER to determine his intentions. This type of action would be appropriate here.

For these reasons, item (2) of 37 CFR 1.47(a) is not yet complete for Mr. ABDEL SAMAD and Mr. STOCKHAMMER.

Regarding item (4) of 37 CFR 1.47(a), applicants provided a declaration executed by three of the five named inventors on their own behalf and on behalf of the two nonsigning inventors.

The declaration submitted is a six-page declaration containing two Page 5's. This declaration is considered a composite declaration and is not acceptable. Where

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[1] Applicants submitted a $200.00 petition fee. The last known address of the nonsigning inventors was provided.

[2] Applicants should provide copies of all relevant evidence such as any communication from the search firm in the renewed petition.

individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration (by combining the signature pages). *See* MPEP § 605.04(a). Applicants must provide a complete copy of each declaration signed by each inventor.

Moreover, there are noninitialed changes on the declaration regarding the residences of co-inventors, Jenkac HRVOJE and Wen XU. Any changes made in ink in the application or oath prior to signing should be initialed and dated by the applicants prior to execution of the oath or declaration. The Office requires a new oath or declaration if the alterations are not initialed and dated. *Id.*

For this reason, item (4) of 37 CFR 1.47(a) is not yet satisfied.

CONCLUSION

Applicants' 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 under 37 CFR 1.136(a) are available.

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.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

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24573
K & L GATES LLP
P.O. Box 1135
Chicago, IL 60690

MAILED

AUG 30 2011

PCT LEGAL ADMINISTRATION

In re Application of :
ABDEL SAMAD *et al* :
U.S. Application No.: 12/300,315 :
PCT No.: PCT/EP2007/054482 :
Int. Filing Date: 09 May 2007 :
Priority Date: 10 May 2006 :
Attorney Docket No.: 3717483-088 :
For: METHOD WHICH PERMITS A :
BLOCK-BASED FILE TO BE PLAYED :
OUT DURING TRANSMISSION :

DECISION

This decision is in response to applicants' renewed petition under 37 CFR 1.47(a) filed 30 June 2011.

BACKGROUND

On 30 December 2010, a decision dismissing applicants' petition pursuant to 37 CFR 1.47(a) was mailed. Applicants were given two months to respond with extensions of time available.

On 30 June 2011, applicants filed the subject response which was accompanied, *inter alia*, a declaration executed on behalf of the nonsigning inventor, a supplemental declaration of Dr. Cletus Von Fichler, a four-month extension and fee; and documentary evidence in support of the petition (Exhibits 1 - 11).

DISCUSSION

Applicants initially claimed that co-inventors, Wissam ABDEL SAMAD and Thomas STOCKHAMMER were unavailable or refused to cooperate. However, applicants failed to satisfy items (2) and (4) of 37 CFR 1.47(a) in the original petition.

In the renewed response, applicants provided an executed declaration by Thomas STOCKHAMMER. A new declaration by co-inventors, Jenkac HRVOJE and Wen XU was also provided as requested. Applicants also submitted a complete copy of each declaration executed by the inventors. The declaration provided is in compliance with 37 CFR 1.497(a) and (b) and meets the requirements of MPEP § 409.03(a)(A).

Item (4) of 37 CFR 1.47(a) is now satisfied.

Regarding item (2) of 37 CFR 1.47(a), applicants provided a supplemental declaration by Dr. Von Pichler who details the efforts used to locate the nonsigning inventor. These efforts included sending a copy of the subject application to an address received from an outside search firm (unimedia gmbH) on 20 October 2010. However, the documents were not delivered as DHL failed to identify the inventor at this address. The documents were returned on 05 January 2011. Another attempt was made by the same firm on 28 January 2011. No results were found. Applicants then contacted another search firm, EUREGEX, for help in locating Wissam ABDEL SAMAD. Applicants were told that a court order was required to ask the Spanish government for help and that a private investigator was the only viable option. However, EUREGEX indicated that this option was costly and the chance of success was considered limited. As a result, no further efforts were made.

In the renewed response, applicants have shown that a diligent effort to locate Wissam ABDEL SAMAD as contemplated by MPEP § 409.03(d)(I). Applicants also provided sufficient documentary efforts of these efforts as required. Item (2) of 37 CFR 1.47(a) is satisfied.

All requirements of 37 CFR 1.47(a) are complete.

CONCLUSION

Applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 09 May 2007 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 30 June 2011.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record and will be published in the Official Gazette.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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www.uspto.gov

Wissam Abdel Samad
Carrer dels Paletes 9
8034 Barcelona
Spain

MAILED

AUG 30 2011

PCT LEGAL ADMINISTRATION

In re Application of
ABDEL SAMAD *et al*
U.S. Application No.: 12/300,315
PCT No.: PCT/EP2007/054482
Int. Filing Date: 09 May 2007
Priority Date: 10 May 2006
Attorney Docket No.: 3717483-088
For: METHOD WHICH PERMITS A BLOCK-BASED FILE TO BE PLAYED OUT DURING TRANSMISSION

Dear Mr. Abdel Samad:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

K & L GATES LLP
P.O. Box 1135
Chicago, IL 60690

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MAYER & WILLIAMS PC
251 NORTH AVENUE WEST
2ND FLOOR
WESTFIELD NJ 07090

MAILED

JUN 07 2011

PCT LEGAL ADMINISTRATION

In re Application of :
SUFFA, Udo, et al. :
Application No.: 12/300,330 :
PCT No.: PCT/EP2007/054236 :
Int. Filing Date: 01 May 2007 :
Priority Date: 08 May 2006 :
Attorney Docket No.: 00139/018002 :
For: SELF-CLOSING VALVE WITH VALVE CAP :

DECISION

This is a decision on applicants' Petition Under 37 CFR 1.137(b), filed in the United States Patent and Trademark Office (USPTO) on 01 February 2011. It has also been treated as a Request For Status under 37 CFR 1.42 and a petition to revive under 37 CFR 1.137(b), as applicants previously indicated inventor Suffa is deceased.

BACKGROUND

On 02 November 2009, the Office mailed Decision On Petition Under 37 CFR 1.47(a) and Request For Status Under 37 CFR 1.42. The decision set a two month period for reply, with extensions of time available under 37 CFR 1.136(a).

On 30 July 2010, the Office mailed Notification of Abandonment (Form PCT/DO/EO/909) indicating that the application went abandoned for failure to timely reply to the Decision mailed 02 November 2009.

On 01 February 2011, applicants submitted the petition under 37 CFR 1.137(b) accompanied by a declaration executed and the request under 37 CFR 1.42.

DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) 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, (2) a proposed response, (3) the petition fee required by law (37 CFR 1.17(m)), and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995).

Items (1), (3) and (4) have been satisfied.

As to item (2), the required response is an oath or declaration in compliance with 37 CFR 1.497(a)-(b). Applicants have now furnished a declaration by inventor Köbke, the previously non-signing inventor. However, applicants previously indicated that inventor Suffa was deceased and that the declaration was executed by the legal representative. The declaration was defective as it did not list the legal representative and the legal representative's citizenship, residence and mailing address. Applicants have not furnished a new declaration from the legal representative of inventor Suffa.

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.137(b) is **DISMISSED** without prejudice and applicants' request under 37 CFR 1.42 is **REFUSED**.

This application remains **ABANDONED**.

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.

/Erin P. Thomson/

Erin P. Thomson
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PCT Legal Administration

Telephone: (571) 272-3292

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SEP 21 2011

PCT LEGAL ADMINISTRATION

MAYER & WILLIAMS PC
251 NORTH AVENUE WEST
2ND FLOOR
WESTFIELD NJ 07090

In re Application of :
SUFFA, Udo, et al. :
Application No.: 12/300,330 :
PCT No.: PCT/EP2007/054236 :
Int. Filing Date: 01 May 2007 : DECISION
Priority Date: 08 May 2006 :
Attorney Docket No.: 00139/018002 :
For: SELF-CLOSING VALVE WITH VALVE CAP :

This is a decision on applicants' renewed Petition Under 37 CFR 1.137(b) and Request For Status Under 37 CFR 1.42 filed in the United States Patent and Trademark Office on 28 July 2011.

BACKGROUND

On 07 June 2011, the Office mailed Decision dismissing applicants' petitions without prejudice and setting a two month period for reply.

On 28 July 2011, applicants submitted the renewed petition under 37 CFR 1.137(b) accompanied by a declaration and the request under 37 CFR 1.42.

DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) 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, (2) a proposed response, (3) the petition fee required by law (37 CFR 1.17(m)), and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995).

Items (1), (3) and (4) have been satisfied.

Item (2), the required response of an oath or declaration in compliance with 37 CFR 1.497(a)-(b) has now been supplied. Applicants have now furnished a declaration executed by the legal representative. The declaration lists the inventors and their citizenships and the legal representative and the legal representative's citizenship, residence and mailing address.

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.137(b) and request under 37 CFR 1.42 are **GRANTED**.

This application is being referred to the National Stage Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: (571) 272-3292

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web	PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)**
Application Number	12300332
Filing Date	10-Nov-2008
First Named Inventor	Yoshifumi Watabe
Art Unit	2612
Examiner Name	JEFFERY HOFSASS
Attorney Docket Number	HOK-0457
Title	Smoke sensor of the sound wave type including a smoke density estimation unit

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	/Lee Cheng/
Name	Lee Cheng
Registration Number	40949

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : April 5, 2012

In re Application of :

Yoshifumi Watabe

DECISION ON PETITION
UNDER CFR 1.313(c)(2)

Application No : 12300332

Filed : 10-Nov-2008

Attorney Docket No : HOK-0457

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed April 5, 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 2612 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

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FEB 15 2011

PCT LEGAL ADMINISTRATION

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of :
PENG, et al. :
U.S. Application No.: 12/300,377 : DECISION ON PETITIONS
PCT No.: PCT/IB2007/002319 :
Int. Filing Date: 14 May 2007 : UNDER 37 CFR 1.182
Priority Date: 12 May 2006 :
Attorney's Docket No.: 334421US0X PCT : AND 37 CFR 1.181
For: THERMOSTABLE DNA POLYMERASE OF THE :
ARCHAEAL AMPULLAVIRUS ABV AND :
ITS APPLICATIONS :

This decision is in response to applicant's petition under 37 CFR 1.182 filed 23 October 2009 and "Request For Corrected Notice of Acceptance" filed 06 November 2009 in the United States Patent and Trademark Office (USPTO). Applicant has provided payment of the $400.00 petition fee for the petition under 37 CFR 1.182. The request for corrected filing receipt is being treated under 37 CFR 1.181. No petition fee is required.

BACKGROUND

On 14 May 2007, applicant filed international application PCT/IB2007/002319, which claimed priority of an earlier application filed 12 May 2006. A copy of the International Application was forwarded to the United States Patent and Trademark Office (USPTO) from the International Bureau (IB) on 22 November 2007. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 12 November 2008.

On 11 November 2008, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1).

On 01 October 2009, the DO/EO/US mailed a "Notification Of Acceptance" (Form PCT/DO/EO/903) which listed a date of completion of all 35 U.S.C. 371 requirements as 12 November 2008.

On 23 October 2009 and 06 November 2009, applicant filed the petitions discussed herein.

DISCUSSION

I. Petition Under 37 CFR 1.182

The Manual of Patent Examining Procedure (MPEP) section 605.04 provides guidance for instances where an inventor has changed names. It explains that:

In cases where an inventor's name has been changed after the application has been filed and the inventor desires to change his or her name on the application, he or she must submit a petition under 37 CFR 1.182. Applicants are also strongly encouraged to submit an application data sheet (37 CFR 1.76) showing the new name. The petition should be directed to the attention of the Office of Petitions. The petition must include an appropriate petition fee and a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a copy of the court order.

The present petition is accompanied by a signed statement from inventor Monika Reuter explaining that her name changed as a result of marriage. The declaration is signed by Mrs. Reuter in both her maiden and current married name. As such, it is proper to grant applicant's petition at this time. It is noted that applicant submitted a supplemental application data sheet on 26 January 2010 providing inventor Reuter's corrected name.

II. Petition Under 37 CFR 1.181

Regarding applicant's request for a corrected Form PCT/DO/EO/903 regarding the date given for completion of all of the 35 U.S.C. 371 requirements, it is not possible to grant applicant's request. A review of the filed PTO-1390 transmittal letter finds that applicant did not check the box for indicating an express request to begin national examination procedures. As such, the completion date assigned is the 30 month expiration date where all of the requirements have been provided. (See MPEP section 1893.03(b)). In this case, assignment of 12 November 2008 was correct.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.182 is **GRANTED**.

For the reasons stated above, applicant's petition under 37 CFR 1.181 is **DISMISSED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for updating of the inventor's name and mailing of a corrected filing receipt.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

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NOV 07 2011
OFFICE OF PETITIONS

PANITCH SCHWARZE BELISARIO & NADEL LLP
ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA PA 19103

In re Application of	:	
Ivan Voropaev	:	
Application No. 12/300,462	:	DECISION ON PETITION
Filed: November 12, 2008	:	TO WITHDRAW
Attorney Docket No. 7676-108US (085758US)	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 19, 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 William W. Schwarze on behalf of all attorneys/agents associated with customer number 00570. All attorneys/agents associated with customer number 00570 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address has been changed and is copied below.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Ivee Pty, Ltd.
72/15 Goodwin Street
Kangaroo Point QLD 4169
Australia

UNITED 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
12/300,462	11/12/2008	Ivan Voropaev	7676-108US (085758US)

CONFIRMATION NO. 9532

570
PANITCH SCHWARZE BELISARIO & NADEL LLP
ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA, PA 19103

POWER OF ATTORNEY NOTICE

Date Mailed: 11/07/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/19/2011.

- 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.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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Perman & Green, LLP
99 Hawley Lane
Stratford CT 06614

In re Application of :
RABATE et al. :
Application No.: 12/300,466 : DECISION ON PETITION
PCT No.: PCT/EP2007/054531 : UNDER 37 CFR 1.137(b)
Int. Filing Date: 10 May 2007 :
Priority Date: 17 May 2006 :
Attorney Docket No.: 1063-013670-US (PAR) :
For: DRILLING TOOL AND DEVICE WITH SELF-MAINTAINED AXIAL VIBRATIONS

This decision is issued in response to the petition under 37 CFR 1.137(b) filed 23 July 2010 to revive the above-entitled application.

The petition under 37 CFR 1.137(b) is **DISMISSED** without prejudice and the application remains abandoned.

The above-identified application became abandoned for failure to file a proper reply in a timely manner to the Notification of Missing Requirement (Form DO/EO/905) mailed 06 March 2009, which set forth a two (2) month time period for a response. A response was not filed and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, this application became abandoned at midnight on 06 May 2009.

37 CFR 1.137(b) permits the filing of a petition to revive an abandoned application where the abandonment resulted from an unintentional delay. A grantable petition under this section must include: (1) the required reply, unless previously filed; (2) the petition fee required by law; (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional;" and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c). Items (2) - (4) have been satisfied.

With regard to Item (1), the proper response was the submission of the declaration of the inventors which complies with 37 CFR 1.497(a) and (b). A review of the declaration filed on 23 July 2010 reveals that the declaration is not in an acceptable form. Petitioner has provided a defective executed composite declaration. A composite declaration under 37

CFR 1.497(a)-(b) requires that the declaration must be complete and identify each inventor in each set of declarations provided. The composite declaration is defective because it contains multiple duplicate sheets of Page 3 of 3. This suggests that the enclosed declaration was constructed from numerous complete declarations or that the inventors forwarded to counsel only the signature pages of the declaration. Either alternative renders the submitted declaration defective under 37 CFR 1.497. While each inventor need not execute the same oath or declaration, where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration. (See MPEP 201.03 B. Oath or Declaration.)

Further, the declaration is defective, in that, the declaration submitted includes alterations that have not been initialed and dated. The first inventor, Patrice Rabate, has not initialed and dated the corrections made to his/her post office address. (See 37 CFR 1.52(c) and Manual of Patent Examining Procedure §605.04(a)). Therefore, a newly executed declaration of the inventor (Patrice Rabate) is required.

If reconsideration on the merits of this petition is desired, an appropriate response to this decision must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 571-272-3298

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

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NOV 19 2010

PCT LEGAL ADMINISTRATION

Perman & Green, LLP
99 Hawley Lane
Stratford CT 06614

In re Application of	:	
RABATE et al.	:	RENEWED
Application No.: 12/300,466	:	DECISION ON PETITION
PCT No.: PCT/EP2007/054531	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 10 May 2007	:	
Priority Date: 17 May 2006	:	
Attorney Docket No.: 1063-013670-US (PAR)	:	
For: DRILLING TOOL AND DEVICE WITH SELF-MAINTAINED AXIAL VIBRATIONS		

The renewed petition to revive under 37 CFR 1.137(b) filed 03 November 2010 in the above-captioned application is hereby GRANTED as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the required reply (declaration/power of attorney) to the Notification of Missing Requirements dated 06 March 2009 and the requirements of 37 CFR 1.137(b) have been satisfied. 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.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 571-272-3298

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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APR 01 2011

OFFICE OF PETITIONS

STITES & HARBISON PLLC
1199 NORTH FAIRFAX STREET
SUITE 900
ALEXANDRIA, VA 22314

Applicant: Numata, et al.
Appl. No.: 12/300,468
International Filing Date: May 15, 2007
Title: NOVEL ANTIBIOTICS BISPOLIDES A1, A2, AND A3 AS WELL AS BISPOLIDES B1, B2, AND B3 AND PROCESSES FOR PRODUCING SAID ANTIBIOTICS
Attorney Docket No.: P09624US00/BAS
Pub. No.: US 2010/0144658 A1
Pub. Date: June 10, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on August 4, 2010, for the above-identified application

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error on the front page of the application wherein the assignee's name and the Foreign Application Priority data are incorrect.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed **within two months** from the date of the patent application publication. **This period is not extendable.**" A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The error noted by requestor wherein the assignee's name "Nimura Genetic Solutions Co., Ltd., Tokyo, JP: Forest Research Institute Malaysia, Sclangor, ML" is incorrectly listed as "Mitsui Chemicals, Inc., Minato-Ku, TK" is not a material Office error under 37 CFR 1.221(b). The misprinting of the assignee's name does not affect the understanding of the application. Similarly, while the error in the priority data on the front page of the publication may be Office error, it is not a material mistake as required by 37 CFR 1.221(b). The error in assignment information and/or priority data is not material because neither error affects the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

of the patent application publication or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. Applicant should not file requests for corrected publication when a publication includes errors in the assignee's name or assignment information. See MPEP 1130.

On March 3, 2010, April 14, 2010 and May 14, 2010, the Office mailed Filing Receipts that incorrectly listed the assignee's name or did not list an assignee's name. On the Filing Receipts mailed March 3, 2010 and April 14, 2010, the date for the Foreign Application Priority data was listed incorrectly. To avoid this type of problem in the future, applicant's representative should correct the error and make a request for a corrected filing receipt prior to export of the application to the publisher and publication of the application. The assignee's name was not listed in an Application Data Sheet (ADS), the Oath or the transmittal letter.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/300,473	03/06/2009	Rüdiger Schulz	RWS-9061397	9612

24131 7590 06/27/2011
LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD, FL 33022-2480

EXAMINER	
UNDERWOOD, JARREAS C	
ART UNIT	PAPER NUMBER
2877	

MAIL DATE	DELIVERY MODE
06/27/2011	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.

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Paper No. 20110623

LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD FL 33022-2480

In re Application of:
Schulz ET AL.
Serial No.: 12/300,473
Filed: March 06, 2009
Attorney Docket No.: RWS-9061397

:: PETITION FOR CORRECTION OF INVENTORSHIP UNDER 37 CFR § 1.48(a)

This is a decision on the petition filed May 17, 2011 and supplemental petition filed June 13, 2011 to correct inventorship under 37 CFR 1.48 (a).

The petition is GRANTED.

The petition filed May 17, 2011 included the requisite statements required by 37 CFR 1.48(a) except for an executed statement from Thomas Bartsch to be added as a co-inventor. This statement was provided in the supplemental petition filed June 13, 2011. It has been found that this non-provisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 CFR 1.48 (a). The inventorship of this application has been changed by adding the names:

Jan Richtsteiger
Thomas Bartsch
Falk Schneider

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.

Gregory J. Toatley, Jr.
Supervisory Patent Examiner,
Art Unit 2877

05 AUG 2010

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P.O. Box 1450
Alexandria, VA 22313-1450
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77224
Mary E. Golota
CANTOR COLBURN LLP
201 W. Big Beaver Road, Suite 1101
Troy, MI 48084

In re Application of
OTT *et al*
U.S. Application No.: 12/300,535
PCT No.: PCT/EP2007/004082
Int. Filing Date: 09 May 2007
Priority Date: 11 May 2006
Docket No.: PAT-01286-US/BC1-0208
For: BRANCHED POLYOLS HAVING A STATISTICAL AVERAGE OF TWO OR MORE HYDROXYL GROUPS IN THE MOLECULE, PROCESS FOR THEIR PREPARATION AND USE THEREOF

DECISION

This decision is in response to the papers filed 14 May 2010 which are treated as a petition under 37 CFR 1.181 and **GRANTED** as follows:

The prior decision mailed 14 April 2010, noted that "it is improper for anyone, including counsel, to alter, rewrite, or partly fill in any part of the application, including the oath or declaration, after execution by the applicant." *See* MPEP § 605.04(a). Applicants had resubmitted a copy of the declaration previously filed adding page numbers [Page 1 of 7, etc.] at the bottom of each page on 26 January 2010. No explanation was provided. As such, the declaration was not accepted.

In the subject response, applicants state that the declaration filed 26 January 2010 was not altered; instead, the lack of page number in the original declaration was a result of a clerical error. The declaration was received by counsel in A4 paper. The declaration was scanned into 8 ½ * 11 paper. As a result, the page numbers at the bottom of the page were missing. This defect was corrected with the submission on 26 January 2010.

This explanation is acceptable.

The declaration filed 26 January 2010 is now in compliance with 37 CFR 1.497(a) and (b).

This application is being forwarded to the DO/EO/US for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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Browdy and Neimark, PLLC
1625 K Street, N.W.
Suite 1100
Washington DC 20006

MAILED
SEP 20 2011
OFFICE OF PETITIONS

In re Application of	:	
Nouchi et al.	:	
Application No. 12/300625	:	DECISION
Filing or 371(c) Date: 11/12/2008	:	ON PETITION
Patent No.: 7883844	:	
Issue Date: 02/08/2011	:	
Attorney Docket Number: NOUCHI 1	:	

This is a decision on the "Petition to Correct Assignee on Granted Patent," filed August 25, 2011, to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction. The petition is properly treated as a petition under 37 CFR 3.81(b)[1].

The Petition is **granted**.

The petition was accompanied by a certificate of correction as required by 3.81(b), and the fee submitted with the present petition. Further, Office assignment records reflect that JURIDICAL FOUNDATION THE CHEMO-SERO-THERAPEUTIC RESEARCH INSTITUTE, is the assignee of record. As the request complies with the provisions of 37 CFR 3.81(b), it would be appropriate for a certificate of correction to be processed.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232. Any questions concerning the issuance of the Certificate of Correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

This matter is being referred to the Certificates of Correction Branch for processing of a certificate of correction after issuance of this application into a patent.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

MAILED

MAY 05 2011

OFFICE OF PETITIONS

In re Application of	:	
Akira MORIKAWA et al.	:	DECISION GRANTING PETITION
Application No. 12/300,651	:	UNDER 37 CFR 1.181
Filed: November 13, 2008	:	
Atty. Docket No.: 10834.0003-00000	:	

This is a decision on the petition under 37 CFR 1.181, filed March 9, 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 August 12, 2010, which set a shortened statutory period of reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. A Notice of Abandonment was mailed March 1, 2011.

Petitioner asserts that a reply was in fact timely filed. A review of the record indicates that the original copy of the response is in the file and was timely filed on November 9, 2010.

In view of the above, the holding of abandonment is hereby withdrawn and the application restored to pending status.

Telephone inquiries relating to this decision should be directed to Robert DeWitty, Petitions Examiner, Office of Petitions (571-272-8427).

The application file will be referred to Technology Center AU 1736 for further action on the filed Response.

for David Bucci
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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NOV 17 2010

PCT LEGAL ADMINISTRATION

GREER, BURNS & CRAIN
300 S WACKER DR
25TH FLOOR
CHICAGO IL 60606

In re Application of :
HAACK :
U.S. Application No.: 12/300,667 : DECISION ON PETITION
PCT No.: PCT/EP2007/055828 :
Int. Filing Date: 13 June 2007 : UNDER 37 CFR 1.137(b)
Priority Date: 14 June 2006 :
Attorney Docket No.: 4404.75371 :
For: TAIL STRUCTURE FOR AN AIRCRAFT :
OR SPACECRAFT :

The petition to revive under 37 CFR 1.137(b) filed 09 September 2010 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided payment of the supplemental fees due and the requirements of 37 CFR 1.137(b) have been satisfied. 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.

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAILED

MAR 27 2012

PCT LEGAL ADMINISTRATION

Occhiuti Rohlicek & Tsao, LLP
321 Summer St.
Boston MA 02210

In re Application of:
OSER et al.
U.S. Application No.: 12/300,692
PCT No.: PCT/EP07/54544
Int. Filing Date: 10 May 2007
Priority Date: 16 May 2006
Attorney Docket No.: 4A001-002US1
For: CONVERSION OF HEAT INTO MECHANICAL ENERGY BY MEANS OF A JET COMPRESSOR

DECISION ON PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' "Response to Notice to File Missing Parts" filed 08 June 2009, treated herein as a petition under 37 CFR 1.47(a) to accept the application without the signature of joint-inventor, Michael RANNOW.

BACKGROUND

On 10 May 2007, applicants filed international application PCT/EP07/54544 which claimed a priority date of 16 May 2006. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 16 November 2008.

On 13 November 2008, applicants filed a transmittal letter for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the international application; and an application data sheet.

On 07 January 2009, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 08 June 2009, applicant filed "Renewed Petition for Unsigned Inventor under 37 CFR 1.47(a)" considered herein. The petition under 37 CFR 1.47 seeks acceptance of the application without the signature of joint-inventor, Michael RANNOW.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the non-signing joint inventor.

Applicants here have submitted the appropriate petition fee. Item (1) is therefore satisfied.

Regarding item (2), the petition asserts that the nonsigning inventor has refused to execute the declaration. Before a refusal to execute the application can be claimed, section 409.03(d) of the MPEP requires that the nonsigning inventor be provided with a copy of the complete application, including specification, drawings and claims. The MPEP also requires "a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made."

The 37 CFR 1.47(a) applicants provided evidence that a complete copy of the subject application was sent to the nonsigning inventor (Michael RANNOW). The documents provided to Michael RANNOW included instructions to sign and return the declaration. These materials provide the required firsthand statement regarding the delivery to the nonsigning inventor of a copy of the complete application, and the nonsigning inventor's refusal to execute the application, with documentary evidence supporting the statement. Item (2) is therefore satisfied.

Regarding item (3) above, applicants have provided a clear statement of the last known address of the nonsigning inventor (Michael RANNOW). Therefore, Item (3) has been satisfied.

Regarding item (4), section 409.03(a) of the Manual of Patent Examining Procedure ("MPEP") states that:

> An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the available joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed declarations executed by two of the three inventors and including an unsigned signature box identifying the nonsigning inventor (Michael RANNOW). This declaration is treated as having been executed by the available inventors on their behalf and on behalf of the nonsigning inventor. Item (4) is therefore satisfied.

For the reasons stated above, it would be appropriate to accept the application without the signature of Michael RANNOW under 37 CFR 1.47(a) at this time.

CONCLUSION

The petition under 37 CFR 1.47(a) is **GRANTED**.

The application is accepted without the signature of nonsigning inventor Michael RANNOW.

A notice of the acceptance of the application will be published in the Official Gazette, and a letter informing the nonsigning inventor of the application will be forwarded to the inventor's last-known address, as set forth in the petition.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (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
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Michael Rannow
NERO Energiesystems Gmbh
Max-Plank Str. 11
53577 Neustadt Germany

MAILED
MAR 27 2012
PCT LEGAL ADMINISTRATION

In re Application of:
OSER et al.
U.S. Application No.: 12/300,692
PCT No.: PCT/EP07/54544
Int. Filing Date: 10 May 2007
Priority Date: 16 May 2006
Attorney Docket No.: 4A001-002US1
For: CONVERSION OF HEAT INTO MECHANICAL ENERGY BY MEANS OF A JET COMPRESSOR

Dear Michael Rannow:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as a legal representative of the deceased inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298
Facsimile: (571) 273-0459

Counsel of Record:
Occhiuti Rohlicek & Tsao, LLP
321 Summer St.
Boston MA 02210

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Michael Rannow
Bilsteiner Weg 20
57368 Lennestadt
Germany

MAILED
MAR 27 2012
PCT LEGAL ADMINISTRATION

In re Application of:
OSER et al.
U.S. Application No.: 12/300,692
PCT No.: PCT/EP07/54544
Int. Filing Date: 10 May 2007
Priority Date: 16 May 2006
Attorney Docket No.: 4A001-002US1
For: CONVERSION OF HEAT INTO MECHANICAL ENERGY BY MEANS OF A JET COMPRESSOR

Dear Michael Rannow:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as a legal representative of the deceased inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298
Facsimile: (571) 273-0459

Counsel of Record:
Occhiuti Rohlicek & Tsao, LLP
321 Summer St.
Boston MA 02210

29 SEP 2010

UNITED STATES PATENT and TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE
P.O BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Kramer Levin Naftalis & Frankel LLP
1177 Avenue of the Americas
New York NY 10036-2714

In re of	:	DECISION ON
CAIGER et al	:	
Application No: 12/300,711	:	
PCT No.: PCT/US2007/011514	:	PETITION UNDER
Int. Filing Date: 14 May 2007	:	
Priority Date: 15 May 2006	:	
Attorney's Docket No.: 58653/02802US	:	
For: IMPROVEMENTS IN ... EDIBLE INKS	:	37 CFR 1.47(a)

This is in response to the "PETITION TO PROCEED ... UNDER 37 CFR 1.47(a)" filed on 16 September 2009.

BACKGROUND

On 13 November 2008, applicants filed via EFS-WEB entry into the national stage in the United States of America. Filed via EFS-WEB were, inter alia, the transmittal letter and the requisite basic national fee. No executed oath or declaration from the inventors accompanied the Transmittal Letter.

On 05 March 2009, 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).

On 16 September 2009, petitioner filed the present petition accompanied, inter alia, an executed Declaration without the signature of one of the joint inventors, i.e., without the signature of Rebecca Sophia WILLIAMS.

On 24 March 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 16 September 2009, and a date of completion of all 35 USC 371 requirements of 16 September 2009.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Petitioner have satisfied requirements (1), and (3) - (4) of 37 CFR 1.47(a). However, requirement (2) of 37 CFR 1.47(a) has not been satisfied.

Regarding requirement (1), petitioner has provided the petition fee of $200 under 37 CFR 1.17(g).

Regarding requirement (2), Ms. Torniali has stated that a complete copy of the application papers (specification, including claims, drawings, and oath or declaration) were mailed via first class on June 30, July 28, and August 17, 2009 to Ms. Williams last known address. Although the cover letter, and the postage receipt showing the mailing has been provided, petitioner has not included documentary evidence such as a signed receipt acknowledging that the papers were delivered at Ms. Williams' home address, i.e., that the package was received by Ms. Williams or by someone else on her behalf.

Where the Office is being asked to accept the silence of the nonsigning inventor's as evidence of a refusal to sign, petitioner must provide some evidence that the application materials have been received by the nonsigning applicant. Absent further firsthand evidence that the application and request for signature were received by the nonsigning inventor, item (2) cannot be considered satisfied.

Accordingly, the current record does not support the premise that Ms. Williams' conduct constitutes refusal since he was not given until the deadline to provide the documents.

If Ms. Williams does not reside in her last known address, then petitioner is under an obligation to try to find or reach her. Where there is an inability to find or reach a joint inventor "after diligent effort, " petitioner may file a statement of facts that fully describes the exact facts which are relied on to establish that a diligent effort was made under **37 CFR 1.47**.

Regarding requirement (3), petitioner has provided an affirmative statement of the last known address of the nonsigning co-inventor Ms. Williams.

Rebecca Williams
Argoed Mountain Road
Pentyrch, Cardiff CF15 9QP
United Kingdom

Regarding requirement (4), petitioner has provided a provided a properly executed declaration without the signature of Ms. Williams.

Consequently, the petition does not satisfy all the requirements under 37 CFR 1.47(a).

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration of the merits of the petition under 37 CFR 1.47(a) is 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)."

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
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

Kramer Levin Naftalis & Frankel LLP
1177 Avenue of the Americas
New York NY 10036-2714

MAILED

JAN 11 2011

PCT LEGAL ADMINISTRATION

In re of	:	DECISION ON
CAIGER et al	:	
Application No: 12/300,711	:	
PCT No.: PCT/US2007/011514	:	PETITION UNDER
Int. Filing Date: 14 May 2007	:	
Priority Date: 15 May 2006	:	
Attorney's Docket No.: 58653/02802US	:	
For: IMPROVEMENTS IN ... EDIBLE INKS	:	37 CFR 1.47(a)

This is in response to the "RENEWED PETITION UNDER 37 CFR 1.47(a)," filed on 18 November 2010.

BACKGROUND

In a decision from this Office on 29 September 2010, the initial petition under 37 CFR 1.47(a) was dismissed. The decision stated that requirement (2) under 37 CFR 1.47(a) was not met.

On 18 November 2010, petitioner submitted a "Renewed Petition Under 37 CFR 1.47(a)" requesting reconsideration of the Office's decision of 29 September 2010. Petitioner have submitted a supplemental statement from Diane Torniali.

DISCUSSION

PETITION UNDER 37 CFR 1.47(a):

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

The renewed petition of 18 November 2010 does not still satisfy requirement (2) under 37 CFR 1.47(a).

Regarding item (2), Ms. Torniali supplemental declaration indicates that the package was mailed by registered mailed with return receipt requested, but it is still unclear if the mailed documents were actually received by the non-signing joint inventor, Rebecca Williams. The evidence presented does that show that the package was actually received by Ms. Williams or someone at her residence as evidenced by a signed postal receipt. The evidence provided, the Track & Confirm from the USPS only states that it was delivered, which is not sufficient as it unclear if it was actually received by Ms. Williams. The information on the other packages only indicates that it was "delivered abroad," which again is insufficient to indicate that the package was received by Ms. Williams.

Where the Office is being asked to accept the silence of the nonsigning inventor's as evidence of a refusal to sign, petitioner must provide some evidence that the application materials have been received by the nonsigning applicant. Absent further firsthand evidence that the application and request for signature were received by the nonsigning inventor, item (2) cannot be considered satisfied.

Consequently, the current record does not support the premise that Ms. Williams' conduct constitutes refusal because no evidentiary documents have been submitted to show that the complete application was delivered and received by her and that she refused to sign the required papers.

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration of the merits of the petition under 37 CFR 1.47(a) is 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 "Second Renewed Petition Under 37 CFR 1.47(a)." Extensions of time are available under 37 CFR 1.136(a). Failure to timely file the proper response will result in ABANDONMENT.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3267
Facsimile: (571) 273-0459

UNITED STATES PATENT and TRADEMARK OFFICE

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MAILED

AUG 30 2011

PCT LEGAL ADMINISTRATION

Kramer Levin Naftalis & Frankel LLP
1177 Avenue of the Americas
New York NY 10036-2714

In re of
CAIGER et al
Application No: 12/300,711
PCT No.: PCT/US2007/011514
Int. Filing Date: 14 May 2007
Priority Date: 15 May 2006
Attorney's Docket No.: 58653/02802US
For: IMPROVEMENTS IN ... EDIBLE INKS

: DECISION ON RENEWED
:
:
: PETITION UNDER
:
:
:
: 37 CFR 1.47(a)

This is in response to the "RENEWED PETITION TO PROCEED WITHOUT INVENTORSHIP PARTICIPATION UNDER 37 CFR 1.47(a)" filed on 08 July 2011.

BACKGROUND

In a decision from this Office on 11 January 2011, the initial petition under 37 CFR 1.47(a) was dismissed. The decision stated that item (2) had not been satisfied.

On 08 July 2011, petitioner submitted a "Renewed Petition Under 37 CFR 1.47(a)" requesting reconsideration of the Office's decision of 11 January 2011 with respect to accepting the above application without the signature of Ms Rebecca Sophia Williams (Rebecca Sophia Cordina).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

The renewed petition of 11 January 2011 has satisfied item (2) under 37 CFR 1.47(a).

Regarding item (2), a statement by Tayan B. Patel, has provided a statement outlining the steps he took to mail the application papers to the non-signing inventor Rebecca Sophia Williams (Rebecca Sophia Cordina) on June 10, 2011. Mr. Patel mailed to Rebecca Sophia Cordina (her married name) the application papers by FedEx to the address provided by her on April 26, 2011 and it was received on June 13, 2011 and signed by V. Reyes. As the date of filing the renewed petition, Mr. Patel has not received the required signed documents from her.

Consequently, at this time it can be concluded that Ms Rebecca Sophia Williams (Rebecca Sophia Cordina) has refused to sign the documents.

Petitioner has now satisfied item (2) under 37 CFR 1.47(a), thus completing the requirements under 37 CFR 1.47(a).

CONCLUSION

The petition under 37 CFR 1.47(a) is **GRANTED**.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 272-0459

UNITED STATES PATENT and TRADEMARK OFFICE

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P.O BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Ms Rebecca Sophia Williams (Rebecca Sophia Cordina).
9 Lovell Drive
Bishop Sutton, Bristol, BS39 5PT
United Kingdom

MAILED
AUG 30 2011
PCT LEGAL ADMINISTRATION

In re of
CAIGER et al
Application No: 12/300,711
PCT No.: PCT/US2007/011514
Int. Filing Date: 14 May 2007
Priority Date: 15 May 2006
Attorney's Docket No.: 58653/02802US
For: IMPROVEMENTS IN ... EDIBLE INKS

Dear Ms. Cordina:

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. 118. 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.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (703) 308-6312
Facsimile: (703) 308-6459

Kramer Levin Naftalis & Frankel LLP
1177 Avenue of the Americas
New York NY 10036-2714

UNITED STATES PATENT AND TRADEMARK OFFICE

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LADAS & PARRY LLP
1040 Avenue of the Americas
NEW YORK NY 10018-3738

MAILED

MAR 17 2011

OFFICE OF PETITIONS

In re Application of :
Johan Jostler et al. :
Application No. 12/300,794 : DECISION ON PETITION
Filed: November 14, 2008 :
Attorney Docket No. U 017539-2 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 11, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed May 19, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on August 20, 2010. A Notice of Abandonment was mailed on December 30, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $1,620 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 3721 for appropriate action by the Examiner in the normal course of business on the reply received January 11, 2011.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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LUCAS & MERCANTI, LLP
475 PARK AVENUE SOUTH
15TH FLOOR
NEW YORK NY 10016

MAILED
MAR 27 2012
OFFICE OF PETITIONS

In re Application of
Shinya Otsu et al
Application No. 12/300,814
Filed: November 14, 2008
Attorney Docket No. KON-2321

DECISION ON REQUEST FOR REFUND

This is a decision on the Request For Refund filed February 15, 2012.

The request is GRANTED.

Applicant files the above request for refund and states that "On February 14, 2011, the undersigned made a payment of $3480.00. An error occurred. This payment was for an Issue Fee and a Re-Issue Fee. The payment should have been $1740.00 for the Issue Fee and $300.00 for the Publication Fee. Kindly apply $1740.00 to the Issue Fee, $300.00 to the Publication Fee, and a refund of $1440.00 to Deposit Account 02-2275 is respectfully requested."

A review of Office finance records for the above-identified application indicates that a total of $1,740.00 was applied back to applicant's credit card account on accounting date of February 22, 2012, as it is the method in which the fee was paid.

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
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MAILED

FEB 25 2011

PCT LEGAL ADMINISTRATION

SALTAMAR INNOVATIONS
1 Mathewson Road
Barrington RI 02806

In re Application of :
SLATER, Gordon :
Application No.: 12/300,890 :
PCT No.: PCT/AU2007/000656 :
Int. Filing Date: 17 May 2007 :
Priority Date: 17 May 2006 :
Docket No.: 0817US-Slater :
For: ANKLE FUSION PLATE :

DECISION

ON PETITION UNDER

37 CFR 1.137(b)

Applicant's Petition For Revival Under 37 CFR 1.137(b), filed in the above-captioned application on 17 December 2010 is **GRANTED**.

Applicant states that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The proper reply and petition fee have been paid. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

This application is being forwarded to the National Stage Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	12/300,923	Filing date:	11/14/2008
First Named Inventor:	Kent Moore		
Title of the Invention:	STEREOVIDEOSCOPE AND METHOD OF USING THE SAME		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2007/069025

The international filing date of the corresponding PCT application(s) is/are: 05/16/2007

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.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	12/300,923
First Named Inventor:	Kent Moore

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on 11/14/2008

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on 11/14/2008

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-9	1-9	Claims are identical.
10, 11, 13-16	Not examined by the EPO	Independent method Claim 10 corresponds to independent system Claim 1.
18-27	N/A	New dependent claims depend directly or indirectly from Claim 1.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Date 06/15/2011
Name (Print/Typed) Trent A. Kirk	Registration Number 54,223

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.
12/300,923	11/14/2008	Kent Moore	051372/365644	3999

826 7590 07/11/2011

ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

EXAMINER	
LEUBECKER, JOHN P	

ART UNIT	PAPER NUMBER
3779	

MAIL DATE	DELIVERY MODE
07/11/2011	PAPER

Please find below **and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE NC 28280-4000

In re Application of:	DECISION ON A REQUEST TO
MOORE, KENT	PARTICIPATE IN PCT/PATENT
Serial No.: 12/300923	PROSECUTION HIGHWAY
Filed: November 14, 2008	PROGRAM AND PETITION
Attorney Docket No. : 051372/365644	TO MAKE SPECIAL UNDER
Title: STEREOVIDEOSCOPE AND METHOD OF USING THE SAME	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 June 15, 2011 to make the above-identified application special.

The request and petition are **dismissed.**

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more PCT applications filed in the JPO, EPO, KIPO, or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition failed to meet conditions Item #2 and Item #3 above.

In regard to Item #2, Applicant submitted the International Preliminary Report on Patentability which states that Claims 1-9 in the PCT application possess novelty, inventive step, and industrial applicability. However, Applicant's submission of PCT allowable claims only include Claims 1-6. A copy of Claims 7-9 in the PCT application were never attached to the petition. Given this, it also cannot be verified that the pending U.S. claims all correspond to the allowable claims in the PCT application.

Further in regard to Item #3, it is not agreed that Claim #10 in the U.S. application corresponds to Claim #1 in the PCT application. Claims 10-16 in the PCT application were never examined. U.S. Claim #10 is directed to a method for measuring while PCT Claim #1 is directed towards a measuring system. For example, PCT Claim #1 contains the limitation of a processing element in communication with the stereovideoscope, which is not present in U.S. Claim #10. Thus, U.S. Claim #10 is broader than the allowed PCT Claim #1. On the other hand, even if the two covered the exact same scope, then it is unclear why they need to be separately claimed at all.

Applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn. Response must be filed via EFS-Web.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

Petition is **dismissed**.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

Attn: DO/US

IN THE UNITED STATES DESIGNATED OFFICE (DO/US)

Applicant(s):	Kent Moore
U.S. Appl. No.:	12/300,923
International Appl. No.:	PCT/US2007/069025
International Filing Date:	May 16, 2007
Title:	STEREOVIDEOSCOPE AND METHOD OF USING THE SAME

Docket No.: 051372/365644
Customer No.: 00826

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 CFR § 1.102(a)

Sir:

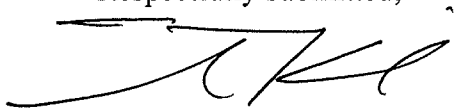
In response to the decision dated July 11, 2011 refusing Applicant's request to participate in the PCT/Patent Prosecution Highway pilot program under 37 CFR 1.102(a), Applicant hereby requests reconsideration of the petition.

Applicant submits herewith a Preliminary Amendment canceling all method claims and a copy of Claims 1-9 of the corresponding PCT application.

It is not believed that extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Applicant respectfully requests a decision in favor of the request to participate in the PCT-PPH program for this case.

Respectfully submitted,



Trent A. Kirk
Registration No. 54,223

Customer No. 79901
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON July 18, 2011.

LEGAL02/32747223v1

THAT WHICH IS CLAIMED:

1. A system for acquiring measurements of a patient's upper airway comprising:

a stereovideoscope comprising a scope coupled to a flexible tubing and configured to be positioned within the patient's upper airway, said scope comprising a plurality of stereoscopic lenses configured to capture data indicative of a portion of the patient's upper airway, said flexible tubing comprising a biocompatible material; and

a processing element in communication with said stereovideoscope and configured to generate an image indicative of a portion of the patient's upper airway based on the captured data in order to acquire at least one geometrical measurement indicative of the portion of the patient's upper airway and to determine a probability of the patient's response to a tongue-based treatment based on the at least one geometrical measurement.

2. The system of Claim 1, wherein said flexible tubing has a diameter of less than 5 mm.

3. The system of Claim 1, wherein said processing element is portable.

4. The system of Claim 1, wherein said processing element is configured to generate images in order to acquire at least one measurement selected from a group consisting of linear, angular, depth, profile, and area measurements of the portion of the patient's upper airway.

5. The system of Claim 1, wherein said processing element is configured to determine a probability of the patient's response to a tongue-based treatment based on at least one measurement of a most critical site of proximal narrowing of the patient's upper airway with the patient's mandible at rest and the mandible in an advanced position.

6. The system of Claim 1, wherein said stereovideoscope comprises a CCD camera.

7. The system of Claim 1, wherein said scope is permanently or interchangeably attached to a distal end of said flexible tubing.

8. The system of Claim 1, wherein said stereovideoscope is capable of being sterilized.

9. The system of Claim 1, wherein said processing element comprises a computer or a monitor.

10. A method for acquiring measurements of a portion of a patient's anatomy comprising the steps of:

positioning a stereovideoscope within the patient's body;

capturing data indicative of the portion of the patient's anatomy with a stereovideoscope, the stereovideoscope comprising a scope coupled to a flexible tubing, the scope comprising a plurality of stereoscopic lenses, and the flexible tubing comprising a biocompatible material; and

generating an image based on the captured data; and

acquiring at least one geometrical measurement indicative of the portion of the patient's anatomy using the generated image.

11. The method of Claim 10, wherein the acquiring step comprises acquiring at least one measurement selected from a group consisting of linear, angular, depth, profile, and area measurements of the portion of the patient's anatomy using the generated image.

12. The method of Claim 10, wherein the generating step comprises generating an image indicative of a portion of the patient's upper airway.

13. The method of Claim 12, wherein the acquiring step comprises acquiring at least one measurement of a most critical site of proximal narrowing of the patient's upper airway with the patient's mandible at rest and the mandible in an advanced position.

14. The method of Claim 13, further comprising determining a probability of response to a tongue-based treatment based on said at least one acquired measurement.

15. The method of Claim 10, wherein the generating step comprises generating a three-dimensional image of a portion of the patient's anatomy.

16. The method of Claim 10, wherein the acquiring step comprises acquiring at least one measurement of the portion of the patient's anatomy using a triangulation technique.

UNITED 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.
12/300,923	11/14/2008	Kent Moore	051372/365644	3999

826 7590 07/25/2011

ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

EXAMINER
LEUBECKER, JOHN P

ART UNIT	PAPER NUMBER
3779	

MAIL DATE	DELIVERY MODE
07/25/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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United States Patent and Trademark Office
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ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE NC 28280-4000

In re Application of: MOORE, KENT Serial No.: 12/300923 Filed: November 14, 2008 Attorney Docket No. : 051372/365644 Title: STEREOVIDEOSCOPE AND METHOD OF USING THE SAME	DECISION ON A REQUEST TO PARTICIPATE IN PCT/PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed July 19, 2011 to make the above-identified application special.

The request and petition are **granted.**

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more PCT applications filed in the JPO, EPO, KIPO, or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

A previous decision on this petition was mailed out on July 11, 2011. The previous decision stated that the petition failed to meet Item #2 and Item #3 above. Applicant did not submit the entirety of claims 1-9 in the PCT application found to possess novelty, inventive step, and industrial applicability (only PCT claims 1-6 were actually submitted). In addition, since claims 10-16 in the PCT application were never examined, the equivalent claims 10-16 in the U.S. application did not sufficiently correspond to any allowable claim. Since then, Applicant has submitted a copy of all of claims 1-9 of the corresponding PCT Application. Applicants have also cancelled all method claims including original U.S. claims 10-16. As such, all claims in the U.S. application now sufficiently correspond to the allowable claims in the PCT application.

In light of the amendments and the submitted PCT claims, the request to participate in the PPH program and the petition comply with all of the above requirements. Applicant has corrected the deficiencies in a timely manner within the given one month period. Accordingly, the above-identified application has been accorded "special" status.

Applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Response must be filed via EFS-Web. Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen
Special Programs Examiner
Technology Center 3700
Tel: 571-272-4856

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BERENBAUM SEINSHIENK PC
370 SEVENTEENTH STREET
REPUBLIC PLAZA, SUITE 4800
DENVER, CO 80202

MAILED
MAR 30 2011
OFFICE OF PETITIONS

Applicant: Echenausia, et al.
Appl. No.: 12/301,007
International Filing Date: April 27, 2007
Title: ROTARY GAS TAP WITH AN INTEGRAL ELECTROMAGNETIC VALVE
Attorney Docket No.: 15220.884US01
Pub. No.: US 2010/0219361 A1
Pub. Date: September 2, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on September 20, 2010, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors on the front page of the publication wherein the name of one inventor and the residences of both inventors were misprinted. Specifically, the name and residence of inventor Francisco Javier Echenausia Saez de Zaitegui, Aretxabaleta (Gipuzkoa), Spain were misprinted as Francisco Javier Echanagusia Saez Zaitegui, Aretxavaleta (Gipuzkoa) (ES) and the residence of Felix Querejeta Andueza, Vitoria-Gasteiz (Alava), Spain was misprinted as Victoria-Gusteiz (Alava) (ES). Additionally, the name of the assignee was misprinted.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The errors on the front page of the publication wherein the spelling of the inventor's name and/or residence is incorrect may be Office error, but they are not a material Office error under 37 CFR 1.221(b). With respect to the assignees name, this is not an Office error as the assignee name is printed as it appears on the ADS filed with the application. The typographical error of the

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

inventor's name and/or residence and the assignees name does not affect the understanding of the application. The mistakes do not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

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
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MORRISON & FOERSTER, LLP
555 WEST FIFTH STREET
SUITE 3500
LOS ANGELES CA 90013-1024

MAILED

DEC 05 2011

OFFICE OF PETITIONS

In re Application of :
Hiroki Nagashima et al. :
Application No. 12/301,011 :
Filed: November 14, 2008 :
Attorney Docket No. **285032007600** :

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 November 23, 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 Mehran Arjomand on behalf of all attorneys of record who are associated with Customer Number 25224.

All attorneys/agents associated with Customer Number 25224 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 Hiroki Nagashima at the address list listed in the request.

There is no outstanding Office action mailed that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Hiroki Nagashima
7800 Chihama
Kakegawa-Shi Shizuoka, Japan 437-1492

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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Lu Qi
No. 18, Fuquan Road
Changping District
Beijing 102200
China

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FEB 10 2012

OFFICE OF PETITIONS

In re Application of :
Qi et al. :
Application No. 12/301,032 :
International Filing Date: May 18, 2006 :
Attorney Docket No. CE171008.3 :

This is a decision on the letter from Darren Gardner, reg. no 54,113, filed January 10, 2012, stating that he is not associated with customer numbers: 69109; 14776; 69373; 72136; 92958 and 14392.

Applicant has specified that the power of attorney should be associated with customer number 72136 and that all correspondence for the above-identified application should be sent to the address associated with customer number 72136, which is ANDERSON TMP, INC, 1903 60 TH PLACE E, SUITE M5103, BRADENTON FL. The USPTO normally mails correspondence directly to the applicants, unless they are represented by an individual registered to practice before the USPTO. In order to practice before the USPTO, an attorney and/or agent must have a valid USPTO registration number as specified in 37 C.F.R. §132; *Manual of Patent Examination Procedure* (MPEP) §402. Mr. Gardner, the registered practitioner associated with the above indicated customer number (72136) has indicated to the Office that he is not associated with the customer number and has not had any involvement with the applications associated with the customer number.

Darren Gardner has been removed from the Customer Number associated with this application. Applicant is reminded that there is no attorney of record at this time.

Therefore, the designation of the customer number, which lists Mr. Gardner as having power of attorney and the correspondence address is void, *ab initio*. We will not recognize the appointment and all correspondence concerning this application must be signed by: 1) all named applicants (inventors), 2) all the owners of the rights to the invention, or 3) a registered attorney or agent duly appointed by the inventor(s) or the owner(s). Furthermore, all communications from the Office will be addressed to the first named inventor, unless specific instructions to the contrary are supplied by the applicant(s) for patent or owner(s).

While an applicant may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is, therefore, encouraged to secure the services of a registered patent attorney or agent (i.e., registered to practice before the U.S. Patent and Trademark Office) to prosecute the application, since the value of a patent is largely dependent upon skillful preparation and prosecution.

Since, it appears that applicant is not currently represented by, and if he wishes to obtain the services of, a registered attorney or agent, a listing of registered patent attorneys and agents is available online at https://oedci.uspto.gov/OEDCI/, or by calling the Office of Enrollment and Discipline at (571) 272-4097. Applicant may also obtain a list of registered patent attorneys and agents located in their area by writing to Mail Stop OED, Commissioner for Patents, Post Office Box 1450, Alexandria, VA 22313-1450. The Office cannot, however, aid in selecting an attorney or agent.

Information concerning the filing and/or prosecution of a patent application in the absence of an attorney or agent, including how to obtain forms, is available online at www.uspto.gov, or at the direct link for the Inventors Assistance Center http://www.uspto.gov/web/offices/pac/dapp/pacmain.html. The Inventors Assistance Center may also be contacted by calling (800) 786-9199, and by asking the operator for the Inventors Assistance Center.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7709. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

/Mark Polutta /
Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

cc: ANDERSON TMP , INC
1903 60 TH PLACE E
SUITE M5103
BRADENTON FL

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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DEC 06 2011
OFFICE OF PETITIONS

PHILIPS INTELLECTUAL PROPERTY AND STANDARDS
PO BOX 3001
BRIARCLIFF MANOR NY 10510-8001

In re Application of :
Boerner, et al. :
Application No. 12/301,033 : ON PETITION
Filed: November 17, 2008 :
Attorney Docket No. 2006P00804WOUS :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed November 14, 2010.

The petition is **GRANTED**.

This application was held abandoned for failure to timely file a reply to the non-final Office action, mailed February 18, 2011. This Office action set a shortened statutory period for reply of three months. The Office mailed a Notice of Abandonment on October 14, 2011, stating that no reply had been received.

Petitioner contends that he did timely file a reply. In support, petitioner has included a copy of a USPTO Electronic Acknowledgment Receipt, dated April 27, 2011 and itemizing a 14 page reply. The Acknowledgment Receipt states that it serves as evidence of receipt similar to a postcard.

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503.

In view thereof, **THE HOLDING OF ABANDONMENT IS WITHDRAWN.**

The application is being forwarded to Group Art Unit 2813 for consideration of the reply filed April 27, 2011 (copy re-supplied on petition dated 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
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OCT 08 2010

OFFICE OF PETITIONS

MORRISON & FOERSTER LLP
12531 HIGH BLUFF DRIVE
SUITE 100
SAN DIEGO, CA 92130-2040

In re Application of	:	
Whitten et al.	:	DECISION ON PETITION
Application No. 12/301,090	:	TO WITHDRAW
Filed: March 5, 2009	:	FROM RECORD
Attorney Docket: CYLE-029/01US	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 3, 2010.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that Morrison & Foerster LLP were revoked as power of attorney by the assignee of the patent application on August 6, 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 571-272-6059.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: COOLEY LLP
ATTN: PATENT GROUP
SUITE 1100
777 - 6TH STREET, NW
WASHINGTON, DC 20001

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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ARENA PHARMACEUTICALS INC./FINNEGAN HENDERSON LLP
901 NEW YORK AVE, NW
WASHINGTON DC 20001-4413

MAILED

OCT 15 2010

OFFICE OF PETITIONS

In re Application of :
Teegarden et al. :
Application No. 12/301,172 : ON PETITION
Filed: February 2, 2009 :
Attorney Docket No. 10426.0128-00000 :

This is a decision on the petition under 37 C.F.R. § 1.182, filed September 28, 2010, to change the name of an inventor.

The petition is **GRANTED**.

The name will be changed from "Jingdong Xu" to -- Jay Xu –.

Additionally, it is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute this patent application. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts.

Telephone inquiries regarding this decision should be directed to Joan Olszewski at (571) 272-7751. All other inquiries should be directed to the Technology Center.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

Enclosure: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/301,172	02/02/2009	1626	3714	10426.0128-00000	43	3

CONFIRMATION NO. 6166

69419
ARENA PHARMACEUTICALS INC./FINNEGAN HENDERSON LLP
901 NEW YORK AVE, NW
WASHINGTON, DC 20001-4413

CORRECTED FILING RECEIPT

Date Mailed: 10/14/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Bradley Teegarden, San Diego, CA;
Dennis Chapman, San Diego, CA;
Juyi Choi, San Diego, CA;
Konrad Feichtinger, San Diego, CA;
Sangdon Han, San Diego, CA;
Honnappa Jayakumar, San Diego, CA;
Thuy-Anh Tran, San Diego, CA;
Jay Xu, San Diego, CA;
Ning Zou, San Diego, CA;

Assignment For Published Patent Application

ARENA PHARMACEUTICALS, INC., San Diego, CA

Power of Attorney: The patent practitioners associated with Customer Number 69419

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/US07/11834 05/17/2007

Foreign Applications

UNITED STATES OF AMERICA PCT/US2007/011834 05/17/2007

If Required, Foreign Filing License Granted: 04/14/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/301,172**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
Title

PRIMARY AMINES AND DERIVATIVES THEREOF AS MODULATORS OF THE 5-HT2A SEROTONIN RECEPTOR USEFUL FOR THE TREATMENT OF DISORDERS RELATED THERETO

Preliminary Class

548

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ARENA PHARMACEUTICALS INC./FINNEGAN HENDERSON LLP
901 NEW YORK AVE, NW
WASHINGTON DC 20001-4413

MAILED

OCT 25 2010

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Teegarden et al. :
Application No. 12/301,180 :
Filed: February 2, 2009 :
Attorney Docket No. 10426.0129-00000 :

This is a decision on the petition under 37 C.F.R. § 1.182, filed September 28, 2010, to change the name of an inventor.

The petition is **GRANTED**.

The name will be changed from "Jingdong Xu" to -- Jay Xu –.

Additionally, it is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute this patent application. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts.

Telephone inquiries regarding this decision should be directed to Joan Olszewski at (571) 272-7751. All other inquiries should be directed to the Technology Center.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

Enclosure: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/301,180	02/02/2009	1626	2914	10426.0129-00000	38	1

CONFIRMATION NO. 6212

69419
ARENA PHARMACEUTICALS INC./FINNEGAN HENDERSON LLP
901 NEW YORK AVE, NW
WASHINGTON, DC 20001-4413

CORRECTED FILING RECEIPT

OC00000004418057

Date Mailed: 10/25/2010

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)

Bradley Teegarden, San Diego, CA;
Dennis Chapman, San Diego, CA;
Marc Decaire, San Diego, CA;
Peter I. Dosa, San Diego, CA;
Konrad Feichtinger, San Diego, CA;
Honnappa Jayakumar, San Diego, CA;
Thuy-Anh Tran, San Diego, CA;
Sonja Strah-Pleynet, San Diego, CA;
Jay Xu, San Diego, CA;

Assignment For Published Patent Application

ARENA PHARMACEUTICALS, INC., San Diego, CA

Power of Attorney: The patent practitioners associated with Customer Number 69419

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/US07/11789 05/17/2007
which claims benefit of 60/801,699 05/18/2006

Foreign Applications

If Required, Foreign Filing License Granted: 04/08/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/301,180**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
Title

ETHERS, SECONDARY AMINES AND DERIVATIVES THEREOF AS MODULATORS OF THE 5-HT2A SEROTONIN RECEPTOR USEFUL FOR THE TREATMENT OF DISORDERS RELATED THERETO

Preliminary Class

548

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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JUN 08 2011

PCT LEGAL ADMINISTRATION

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

In re Application of	:	
SCHIOPPI et al.	:	
Application No.: 12/301,223	:	
PCT No.: PCT/US07/12107	:	DECISION ON PETITION
Int. Filing Date: 18 May 2007	:	
Priority Date: 19 May 2006	:	UNDER 37 CFR 1.497(d)
Atty Docket No.: SOMX.060NP	:	
For: LOW DOSE DOXEPIN FORMULATIONS, INCLUDING BUCCAL, SUBLINGUAL AND FASTMELT FORMULATIONS.....	:	

This is a decision on applicant's' "Response to Notification of Defective Response and Request to Correct Inventorship under 37 CFR 1.48(a)", filed on 22 December 2009 in the United States Patent and Trademark Office (USPTO), requesting acceptance of the declaration in the above reference application. The petition is being treated as a petition under 37 CFR 1.497(d).

BACKGROUND

On 17 November 2008, applicant filed a request entry into the national stage in the United States of America under 35 U.S.C. § 371 with, *inter alia*, the requisite basic national fee.

On 03 April 2009, a Notification of Missing Requirements was mailed to applicant indicating that the oath or declaration, in compliance with 37 CFR 1.497(a) and (b), and the surcharge for filing the oath or declaration after the thirty month period was required. Applicant filed a declaration in response to the Notification on 02 November 2009.

On 27 November 2009, a Notification of Defective Response was mailed to applicant indicating that the firth and sixth inventors identified on the declaration were not listed on the international application.

DISCUSSION

At the outset, it is noted that 37 CFR 1.48(c) is directed to non-provisional applications. *A national stage application is not considered a non-provisional application until the requirements of 35 U.S.C. 371 are complete.* Thus, a petition under 37 CFR 1.48(a) does not apply to the instant application at this time. Such request to correct inventorship is treated as a petition under 37 CFR 1.497(d), to correct an inventive entity if different from the inventive entity identified in the international application.

Petition under 37 CFR 1.497(d)

Applicant requests to add Terry Cobb and Neil B. Kavey as inventors to the above referenced application.

Where the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and 37 CFR 1.497(d) names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by: (1) a statement from each person being added as an inventor that any 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(s) (See 37 CFR 3.73(b)).

With respect to Item (1), Petitioner has provided statements from inventors Cobb and Kavey that any error in inventorship occurred without deceptive intention on their part. Item (1) is satisfied.

Applicant submitted petition fee of $130. Item (2) above is satisfied.

With regard to Item (3), it appears that there was an assignment to Somaxon Pharmaceuticals , Inc. and to Procom, Inc. in this application. A statement under 37 CFR 3.73(b) was not provided with this petition and the Written Consent of the assignee consenting to the addition of Terry Cobb and Neil Kavey as inventors in this application to correct the inventorship under 37 CFR 1.497(d)(3) was not provided. Item (3) above is not satisfied.

Accordingly, applicant has not met all of the requirements to add inventors Cobb and Kavey in the above-identified international application. The petition under 37 CFR 1.497(d) is hereby dismissed.

CONCLUSION

The petition under 37 CFR 1.497(d) to add inventors in the above-captioned application is **DISMISSED WITHOUT PREJUDICE.** The written consent of the assignee to add co-inventors Cobb and Kavey in the above-identified international application is required.

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.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: (571)272-3286

UNITED STATES PATENT AND TRADEMARK OFFICE

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SEP 13 2011

PCT LEGAL ADMINISTRATION

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

In re Application of :
SCHIOPPI et al. :
Application No.: 12/301,223 :
PCT No.: PCT/US07/12107 : DECISION ON PETITION
Int. Filing Date: 18 May 2007 :
Priority Date: 19 May 2006 : UNDER 37 CFR 1.497(d)
Atty Docket No.: SOMX.060NP :
For: LOW DOSE DOXEPIN FORMULATIONS, INCLUDING BUCCAL, SUBLINGUAL AND FASTMELT FORMULATIONS..... :

This is a decision on applicant's' "Renewed Request under 37 CFR 1.497(d)", filed on 14 July 2011 in the United States Patent and Trademark Office (USPTO), requesting acceptance of the declaration in the above reference application.

BACKGROUND

On 17 November 2008, applicant filed a request entry into the national stage in the United States of America under 35 U.S.C. § 371 with, *inter alia*, the requisite basic national fee.

On 03 April 2009, a Notification of Missing Requirements was mailed to applicant indicating that the oath or declaration, in compliance with 37 CFR 1.497(a) and (b), and the surcharge for filing the oath or declaration after the thirty month period was required. Applicant filed a declaration in response to the Notification on 02 November 2009.

On 27 November 2009, a Notification of Defective Response was mailed to applicant indicating that the firth and sixth inventors identified on the declaration were not listed on the international application. On 22 December 2009, applicant filed a response. On 08 June 2011, a decision dismissing applicant's request under 37 CFR 1.497(d).

DISCUSSION

Applicant requests to add Terry Cobb and Neil B. Kavey as inventors to the above referenced application.

Where the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and 37 CFR 1.497(d) names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by: (1) a statement from each person being added as an inventor that any 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(s) (See 37 CFR 3.73(b)).

Applicant previously satisfied Items (1) and (2) above.

With regard to Item (3), an assignment to Somaxon Pharmaceuticals , Inc. and to Procom, Inc. was entered into in this application. Applicant has now provided a statement under 37 CFR 3.73(b) and the Written Consent of the assignee consenting to the addition of Terry Cobb and Neil Kavey as inventors in this application to correct the inventorship under 37 CFR 1.497(d)(3). Item (3) above is now satisfied.

Accordingly, applicant has met all of the requirements to add inventors Cobb and Kavey in the above-identified international application. The petition under 37 CFR 1.497(d) is granted.

CONCLUSION

The petition under 37 CFR 1.497(d) in the above-captioned application is hereby **GRANTED**.

The application will be forwarded to the United States Designated/Elected Office for further processing.

/Cynthia M. Kratz/

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: (571)272-3286

UNITED STATES PATENT AND TRADEMARK OFFICE

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www.uspto.gov

ZALE Patent Law
121 Old Orchard Road
Clarks Summit PA 18503-2053

MAILED

DEC 20 2010

OFFICE OF PETITIONS

In re Application of	:	
Ali Razavi	:	DECISION ON PETITION
Application No. 12/301,356	:	TO WITHDRAW
Filed: November 18, 2008	:	FROM RECORD
Attorney Docket No. **W-01168 US SuperAbs**	:	

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed November 29, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond , pursuant to 37 CFR 10.40.

The request was signed by Lawrence P. Zale on behalf of all attorneys of record who are associated with Customer Number 0054853.

All attorneys/agents associated with Customer Number 0054853 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 Ali Razavi at the address indicated below.

There is no outstanding Office action mailed that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Ali Razavi
122 White Birch Lane
Dallas, PA 18612

UNITED STATES PATENT AND TRADEMARK OFFICE

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JUL 14 2011

OFFICE OF PETITIONS

JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017

In re Application of	:	
Hal Siegel	:	
Application No. 12/301,426	:	DECISION ON PETITION
Filed: November 23, 2009	:	TO WITHDRAW
Attorney Docket No. 12241-013-999	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 28, 2011.

The request is **NOT APPROVED.**

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because a proper forwarding address was not provided. The request to change the correspondence address should be that of the: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71. If an assignee has intervened in this application then a Statement under 37 CFR 3.73(b), or a copy of the actual assignment must be submitted with a renewed request.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017

MAILED

SEP 26 2011

OFFICE OF PETITIONS

In re Application of	:	
Hal Siegel	:	
Application No. 12/301,426	:	DECISION ON PETITION
Filed: November 23, 2009	:	TO WITHDRAW
Attorney Docket No. 12241-013-999	:	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 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. 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 Anthony M. Insogna on behalf of all attorneys/agents 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 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: 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
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/301,426	11/23/2009	Hal Siegel	12241-013-999

CONFIRMATION NO. 8165

POWER OF ATTORNEY NOTICE

20583
JONES DAY
222 EAST 41ST ST
NEW YORK, NY 10017

OC000000050036540

Date Mailed: 09/26/2011

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.

/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
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/301,441	11/18/2008	Daichi Imamura	009289-08222	8282

52989 7590 01/19/2011

Dickinson Wright PLLC
James E. Ledbetter, Esq.
International Square
1875 Eye Street, N.W., Suite 1200
Washington, DC 20006

EXAMINER	
GHAYOUR, MOHAMMAD H	

ART UNIT	PAPER NUMBER
2611	

MAIL DATE	DELIVERY MODE
01/19/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAIL

JAN 19 2011

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

Dickinson Wright PLLC
James E. Ledbetter, Esq.
International Square
1875 Eye Street, N.W., Suite 1200
Washington DC 20006

In re Application of	:	
IMAMURA, DAICHI et al.	:	DECISION ON REQUEST TO
Application No. 12/301,441	:	PARTICIPATE IN PATENT
Filed: November 18, 2011	:	PROSECUTION HIGHWAY
Attorney Docket No. 009289-08222	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed December 29, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Michael Horabik at 571-272-3068.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Michael Horabik/

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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PEPPER HAMILTON LLP
400 BERWYN PARK
899 CASSATT ROAD
BERWYN, PA 19312-1183

MAILED
DEC 13 2010
OFFICE OF PETITIONS

Applicant: Renzi, et al.
Appl. No.: 12/301,442
International Filing Date: May 18, 2007
Title: OLIGONUCLEOTIDES AFFECTING EXPRESSION OF PHOSPHODIESTERASES
Attorney Docket No.: 134780.00201
Pub. No.:2010/0048673 A1
Pub. Date: February 25, 2010

This is a decision on the requests for a corrected patent application publication under 37 CFR 1.221(b), received on March 31, 2010, for the above-identified application.

The request is granted.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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BLACK LOWE & GRAHAM, PLLC
701 FIFTH AVENUE
SUITE 4800
SEATTLE, WA 98104

MAILED

DEC 15 2010

OFFICE OF PETITIONS

In re Application of
Josef Kirschbauer, et al.
Application No. 12/301,446
Filed: February 27, 2009
Attorney Docket No. WUES-1-1013

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 15, 2010.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Black, Lowe & Graham, PLLC has been revoked by the assignee of the patent application on July 2, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to undersigned at 571-272-1642.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

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WATERS TECHNOLOGIES CORPORATION
34 MAPLE STREET - LG
MILFORD, MA 01757

MAILED
JUL 22 2011
OFFICE OF PETITIONS

In re Application of :
Scott J. Geromanos, et al. :
Application No. 12/301,469 : ON PETITION
Filed: April 8, 2009 :
Attorney Docket No. W-482-03 :

This is a decision in response to the petition entitled "Petition to Withdrawin From Issue Under 37 CFR 1.313(e)," filed July 12, 2011.

Petitioner requests, in effect, that the application be withdrawn from issue in favor of a concurrently filed Request for Continued Examination (RCE) under 37 CFR 1.114.

The petition is **dismissed** as moot for the reasons stated below.

A review of the file record discloses that a Notice of Allowance and Fee(s) Due was mailed on May 13, 2011, with the issue fee being due on or before August 15, 2011. It is noted that, while petitioner requests that the application be withdrawn from issue after payment of the issue fee, USPTO records fail to show receipt of an issue fee payment. Accordingly, the petition is being consisted under the provisions of 37 CFR 1.313(a).

The filing of a petition under 37 CFR 1.313(a) is unnecessary, since the mere filing of an RCE and submission will effectively withdraw an application from issue prior to payment of the issue fee. In view thereof, the petition to withdraw from issue is dismissed as involving a moot issue. *Note* MPEP §§ 706.07(h)(IX) and 1308.

Inquiries concerning this decision may be directed to the undersigned at (571) 272-3204.

The matter is being referred to Technology Center AU 2881 for appropriate processing of the RCE filed July 12, 2011, and for

consideration of the concurrently filed Information Disclosure Statement.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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JUL 20 2011

PCT LEGAL ADMINISTRATION

PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK NJ 08933-7003

In re Application of HARRISON et al.	:	
Application No.: 12/301,473	:	DECISION ON
PCT No.: PCT/GB07/01992	:	
Int. Filing: 30 May 2007	:	PETITION TO REVIVE
Priority Date: 01 June 2006	:	
Attorney Docket No.: CCS5039USPCT	:	UNDER 37 CFR 1.137(b)
For: INJECTION DEVICE	:	

The petition to revive under 37 CFR 1.137(b) filed 24 May 2011 in the above captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" satisfies the requirement of 37 CFR 1.137(b)(3). The petition fee of $1620 has been paid.

Applicant submitted a newly executed declaration by the joint inventors which is in compliance with 37 CFR 1.497(a) and (b). The $130 surcharge for filing the declaration after the thirty month period was also paid.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 24 May 2011.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: (571) 272-3286

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/301,482	11/19/2008	Yoshitaka Nakamura	1163-0686PUS1	8689

2292 7590 12/22/2010

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER	
CHOW, LIXI	

ART UNIT	PAPER NUMBER
2627	

NOTIFICATION DATE	DELIVERY MODE
12/22/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of	:	
NAKAMURA, YOSHITAKA	:	DECISION ON REQUEST TO
Application No. 12/301,482	:	PARTICIPATE IN PATENT
Filed: November 19, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. **1163-0686PUS1**	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed October 29, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Doris To at 571-272-7629.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application will be forwarded to the examiner for action on the merits commensurate with this decision.

/Doris To/

Doris To
Quality Assurance Specialist
Technology Center 2600
Communications

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BRINKS, HOFER, GILSON & LIONE
P.O. BOX 110285
RESEARCH TRIANGLE PARK NC 27709

MAILED

MAY 09 2011

OFFICE OF PETITIONS

In re Application of :
Ernst Baumann et al. :
Application No. 12/301,511 : DECISION ON PETITION
Filed: November 19, 2008 : TO WITHDRAW
Attorney Docket No. 13779-419 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 4, 2011.

The request is **NOT APPROVED.**

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 no proper forwarding address was provided. The request to change the correspondence address should be that of the: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71. If an assignee has intervened in this application then a Statement under 37 CFR 3.73(b), or a copy of the actual assignment must be submitted with a renewed request. The most current address of the inventor/assignee is needed.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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JAN 07 2011

OFFICE OF PETITIONS

OSHA LIANG, L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON, TX 77010

In re Application of
Yasushi Shimomoto, et al.
Application No. 12/301,596
Filed: November 19, 2008
Attorney Docket No. 17213/010001

: DECISION GRANTING PETITION
: UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition under 37 CFR 1.313(c)(2), filed January 6, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on December 8, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2855 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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MORRISON & FOERSTER LLP
12531 HIGH BLUFF DRIVE
SUITE 100
SAN DIEGO CA 92130-2040

MAILED

OCT 01 2010

OFFICE OF PETITIONS

In re Application of :
PAJOUHESH, Hassan et al. :
Application No. 12/301,673 : DECISION ON PETITION
Filed: May 07, 2009 : TO WITHDRAW
Attorney Docket No. **381092002500** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 03, 2010.

The request is **NOT APPROVED**.

The Office has revised its change in procedure for request to withdraw from representation applies to requests filed on or after May 12, 2008.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request to change the correspondence address is not that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71 who has properly intervened.

If an assignee has intervened in this application, then a Statement under 37 CFR 3.73(b) or a copy of the actual assignment must be submitted with a renewed request.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **NEUROMED PHARMACEUTICALS, LTD.**
2389 HEALTH SCIENCES MAIL, UBC
SUITE 301
VANCOUVER BC V6T 1Z4

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NOVARTIS
CORPORATE INTELLECTUAL PROPERTY
ONE HEALTH PLAZA 101/2
EAST HANOVER NJ 07936-1080

In re Application of :
HANSPETER, et al. : DECISION ON PETITION
U.S. Application No.: 12/301,777 :
PCT No.: PCT/US2007/069319 : UNDER 37 CFR 1.497(d)
Int. Filing Date: 21 May 2007 :
Priority Date: 23 May 2006 :
Atty Docket No.: 50230-US-PCT :
For: METHOD OF TREATMENT OF :
HEREDITARY HEMOCHROMATOSIS :

This decision is in response to applicant's petition to add inventors filed 09 September 2009 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 21 May 2007, applicant filed international application PCT/US2007/069319 which claimed priority to a previous application filed 23 May 2006. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States was set to expire at midnight on 23 November 2008.

On 21 November 2008, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a partially executed declaration; an Application Data Sheet and a preliminary amendment.

On 09 September 2009, applicant filed the present petition including a newly signed combined declaration and power of attorney.

DISCUSSION

A request under 37 CFR 1.497(d) [formally, 37 CFR 1.48] to correct an error in naming inventorship requires:

(1) a petition including a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part;

(2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.63;

(3) the fee set forth in 37 CFR 1.17(h); and

(4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b).

As to Item (1), applicant has provided statements from Janet Ellen Bodner and Peter Wayne Marks declaring that the error in inventorship occurred without deceptive intent.

Regarding Item (2), applicant has supplied a declaration signed by the inventors listed on the published international application and Janet Ellen Bodner and Peter Wayne Marks .

As Item (3), applicant has provided payment of the $130.00 petition fee.

Item (4), applicant has included a signed statement from Gregory Houghton, authorized signatory to the assignee consenting to the addition of Janet Ellen Bodner and Peter Wayne Marks as inventors.

As such, applicant has satisfied all four items detailed above and it is proper to grant applicant's petition at this time.

CONCLUSION

For the reasons discussed above, the request under 37 CFR 1.497(d) is **GRANTED**.

A review of the application papers reveals that applicant has now completed all the requirements of 35 U.S.C. 371 for entry into the national stage. This application has an international application filing date of 21 May 2007 and will be given a date of **09 September 2009** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the United States Designated/Elected Office for further processing in accordance with this decision.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

16 AUG 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

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HOLME ROBERTS & OWEN LLP
1700 LINCOLN STREET, SUITE 4100
DENVER CO 80203

In re Application of :
PARK, Seung Han, et al. :
Application No.: 12/301,790 :
PCT No.: PCT/KR2008/000933 :
Int. Filing Date: 18 February 2008 : DECISION
Priority Date: 23 October 2007 :
Attorney's Docket No.: 54577-10500 :
For: NERVOUS DEVICE USING AT LEAST ONE NANOWIRE :

This decision is in response to applicants' response to the Notification of Missing Requirements and petition decision, filed in the United States Patent and Trademark Office on 20 May 2010.

BACKGROUND

On 07 January 2010, applicants filed a declaration of the inventors and the surcharge for late submission of the search fee, examination fee or oath or declaration.

On 17 February 2010, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration and the surcharge for late filing of the search fee, examination fee or oath or declaration.

On 17 February 2010, applicants submitted this response including a second copy of the 01 January 2010 declaration.

On 12 May 2010, the Office mailed Decision, indicating that the name of the fourth inventor was inconsistent with the international application.

On 20 May 2010, applicants supplied an explanation saying the declaration had contained a typographical error and submitted a "revised" declaration.

DISCUSSION

The 20 May 2010 declaration is the 17 February 2010 declaration that has had text redacted and new text added after execution by the inventors. The MPEP states "it is improper for anyone, including counsel, to alter, rewrite, or partly fill in any part of the application, including the oath or declaration, after execution by the applicant." MPEP 605.04(a). The 20 May 2010 declaration is not acceptable.

However, a new declaration was not required. Applicants have stated that the inventor's name is "Heon Jin Choi" and the declaration contained a typographical error. The 17 February 2010 declaration complies with 37 CFR 1.497(a)-(b). MPEP 1893.01(e).

CONCLUSION

This application is being referred to the National Phase Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

Doc Code: PPH.PET.652

Document Description: Petition to make special under Patent Pros Hwy

PTO/SB/20KR (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No.:	12/301,790	Filing Date:	2010-02-17
First Named Inventor:	Seung Han PARK		
Attorney Docket No.:	54577-10500		
Title of the Invention:	Nervous Device Using at Least One Nano-Wire		

THIS REQUEST FOR PARTICIPATION IN THE PPH PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML.

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PPH PROGRAM.

The above-identified application (1) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more corresponding KIPO application(s) or to a PCT application that does not contain any priority claim, or (2) is a national stage entry of a PCT application that does not contain any priority claim.

The KIPO/PCT application number(s) is/are: 10-2008-0086410 which claims priority to 10-2007-0106752
U.S. Application claims priority to 10-2007-0106752

The filing date of the KIPO/ PCT application(s) is/are: 10-2007-0106752, filed on 2007-10-23
10-2008-0086410, filed on 2008-09-02

I. List of Required Documents:

a. **A copy of all KIPO office actions which are relevant to patentability (excluding "Decision to Grant a Patent"*) in the above identified KIPO application(s)**

☑ Is attached.

☐ Is not attached because the KIPO application was allowed in a first office action.

*It is not necessary to submit a copy of the "Decision to Grant a Patent" and an English translation thereof.

b. **A copy of all claims which were determined to be patentable by the KIPO in the above-identified KIPO application(s)**

☑ Is attached.

c. **English translations of the documents in a. and b. above along with a statement that the English translations are accurate are attached (if the documents are not in the English language).**

d. **(1) An information disclosure statement listing the documents cited in the KIPO office actions**

☑ Is attached.

☐ Has already been filed in the above-identified U.S. application on _____

(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 _____

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

PTO/SB/20KR (05-10)
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U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

(continued)

Application No.:	12/301,790
First Named Inventor:	Seung Han PARK

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in KIPO Application	Explanation regarding the correspondence
1	1	same claim
2	2	same claim
3	3	same claim, without multiple dependency
4	4	same claim, without multiple dependency
5	5	same claim
6	6	cancelled
7	7	cancelled
8	8	cancelled

III. All the claims in the US application sufficiently correspond to the patentable/allowable claims in the KIPO application.

Signature /Paul S. Cha/	Date 2010-11-30
Name (Print/Typed) Paul S. Cha	Registration Number 54022

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/301,790	02/17/2010	Seung Han Park	54577-10500	1886

23337 7590 12/02/2010

HOLME ROBERTS & OWEN LLP
1700 LINCOLN STREET, SUITE 4100
DENVER, CO 80203

EXAMINER	
ART UNIT	PAPER NUMBER
3766	

NOTIFICATION DATE	DELIVERY MODE
12/02/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO_Mail@hro.com

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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HOLME ROBERTS & OWEN LLP
1700 LINCOLN STREET, SUITE 4100
DENVER CO 80203

In re Application of	:	
PARK, SEUNG HAN et al	:	DECISION ON REQUEST TO
Application No. 12/301,790	:	PARTICIPATE IN PATENT
Filed: Nov. 21, 2008	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 1803-19	:	PROGRAM AND PETITION
Title: NERVOUS DEVICE USING AT LEAST ONE NANO-WIRE	:	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(d), filed Nov. 30, 2010, to make the above-identified application special.

The request and petition are Dismissed.

A grantable request to participate in the PPH program and petition to make special require:
(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the KIPO, JPO, EPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

With regard to Items #2 and 3, the applicant failed to submit a copy of KIPO office action indicating claims 1-5 are patentable. KIPO Office action or work product does not positively indicate claims 1-5 are patentable. There is no copy of patentable claims from the KIPO Office action.

With regard to Item #5, the applicant must submit a copy of the latest KIPO work product containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate.

Applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn. Response must be filed via EFS-Web. Currently, the application is undergoing pre-examination processing.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

Petition is **dismissed**.

/Henry C. Yuen/

_____

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/301,790	02/17/2010	Seung Han Park	54577-10500	1886

23337 7590 12/17/2010
HOLME ROBERTS & OWEN LLP
1700 LINCOLN STREET, SUITE 4100
DENVER, CO 80203

EXAMINER	
ART UNIT	PAPER NUMBER
3766	

NOTIFICATION DATE	DELIVERY MODE
12/17/2010	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):

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1700 LINCOLN STREET, SUITE 4100
DENVER CO 80203

In re Application of	:	
PARK, SEUNG HAN et al	:	DECISION ON REQUEST TO
Application No. 12/301,790	:	PARTICIPATE IN PATENT
Filed: Nov. 21, 2008	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 54577-10500	:	PROGRAM AND PETITION
Title: NERVOUS DEVICE USING AT LEAST ONE NANO-WIRE	:	37 CFR 1.102(a)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed Dec. 15, 2010, to make the above-identified application special.

The request and petition are Granted.

A grantable request to participate in the PPH program and petition to make special require:
(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the KIPO, JPO, EPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Other inquiries concerning the examination or status of the application should be directed to Carl Layno, the SPE of Art Unit 3766 and 571-272-4949 for Class 607/045 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

This application will be forwarded and docketed to an examiner for action on the merits commensurate with this decision.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

The petition is **granted.**

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

25 AUG 2010

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Kang Intellectual Property Law, LLC
214 Elm Street, Suite 106
Washington, MO 63090

In re Application of:
BAAK, et al.
Application No.: 12/301,802
PCT No.: PCT/KR2006/002463
Int. Filing Date: 26 June 2006
Priority Date: 02 June 2006
Attorney Docket No.: 84561-005
For: SYSTEM FOR GENERATING SOUND CORRESPONDING TO CHARACTER STRING

DECISION ON REQUEST

In a decision mailed by this Office on 15 June 2010, applicant's request to correct inventorship was dismissed without prejudice for failure to satisfy all the requirements of 37 CFR 1.497(d).

On 13 August 2010, applicant filed the renewed request under 37 CFR 1.497(d) considered herein. Applicant's (21 November 2008 and 13 August 2010) submissions satisfy the requirements of 37 CFR 1.497(d). Applicant has submitted a statement from the added inventor. The processing fee set in forth in 37 CFR §1.17 has been submitted. And applicant has submitted written confirmation that no assignee exists.

Based on the above, applicant's request to add Chang Joo Choi as an inventor is appropriately granted. Based on this correction, the declaration filed on 21 November 2008 (which named Saang Cheol Baak and Chang Joo Choi) is acceptable under 37 CFR 1.497. Applicant's request to correct inventorship under 37 CFR 1.497(d) is **GRANTED.**

This application is being forwarded to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision. The 35 U.S.C. 371(c) date is 21 November 2008.

Anthony R

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298

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HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON DC 20006-1109

MAILED

SEP 22 2011

PCT LEGAL ADMINISTRATION

In re Application of :
PILLING, et al. :
Application No.: 12/301,817 : DECISION
PCT No.: PCT/EP2007/004650 :
Int. Filing Date: 21 May 2007 :
Priority Date: 24 May 2006 :
Attorney's Docket No.: 65084.000059 :
For: COMPOSITION FOR REDUCING BAKING LOSSES :

This decision is issued in response to applicant's petition under 37 CFR1.182 filed 31 August 2011 in the United States Patent and Trademark Office (USPTO). Applicant has provided payment of the $400.00 petition fee.

BACKGROUND

On 02 June 2011, applicant was mailed a communication detailing the discrepancy between international application number entered during the electronic filing of the application and application papers provided such as the PTO-1390 transmittal letter.

On 31 August 2011, applicant filed the petition considered herein.

DISCUSSION

Applicants confirm that the correct international application is PCT/EP2007/004650, the international application number keyed into the EFS-Web filing system. Applicant's present submission included the required petition fee to correct applicant's clerical error. Accordingly, these materials satisfy the requirements for a grantable petition to correct applicant's error in the bibliographical data filed 21 November 2008 and to permit such materials to be treated as having been directed to international application PCT/EP2007/004650.

CONCLUSION

Applicant's petition under 37 CFR 1.182 is **GRANTED**.

As requested, the international application number, title of invention, and continuity data have been corrected and are now associated with PCT/EP2007/004650.

This application is being forwarded to the United States Designated/Elected Office for further processing.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: 571-272-3294

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PEARL COHEN ZEDEK LATZER, LLP
1500 BROADWAY
12TH FLOOR
NEW YORK, NY 10036

MAILED

AUG 27 2010

OFFICE OF PETITIONS

In re Application of :
Ram Lavie :
Application No. 12/301,846 : DECISION ON PETITION
Filed: November 21, 2008 : TO MAKE SPECIAL UNDER
Attorney Docket No. P-70301-US : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 5, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement signed by applicant. 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 referred back to the Office of Patent Application Processing for pre-examination processing. This application will be accorded "special" status once pre-examination processing is complete.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

15 SEP 2010

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GERSTENZANG, WILLIAM C.
NORRIS MCLAUGHLIN & MARCUS, PA
875 THIRD AVE, 8TH FLOOR
NEW YORK NY 10022

In re Application of	
BAUER, Michael et al.	
Application No.: 12/301,910	DECISION
PCT No.: PCT/EP2007/054729	
Int. Filing Date: 15 May 2007	ON REQUEST UNDER
Priority Date: 23 May 2006	
Attorney's Docket No.: 100728-80 WCG	37 CFR 1.497(d)
For: METHOD FOR THE PRODUCTION OF A BIODEGRADABLE PLASTIC FILM, AND FILM	

This decision is in response to applicants' "Request For Correction of Inventorship Under 35 USC §116," filed in the United States Patent and Trademark Office on 10 June 2010. It has been treated as a Request Under 37 CFR 1.497(d).

BACKGROUND

On 12 April 2010, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that the declaration listed an inventor who was not on the publication and requiring an oath or declaration in compliance with 37 CFR 1.497(a)-(b).

On 10 June 2010, applicant filed this request under 37 CFR 1.497(d).

DISCUSSION

Applicants filed the Request Under 37 CFR 1.497(d) to add Michael Schuhmann, as an inventor.

A request under 37 CFR 1.497(d) requires: (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (2) the processing fee set forth in §1.17(i); and (3) the written consent of the assignee, if an original named inventor has executed an assignment.

Items (1), (2) and (3) have been satisfied.

CONCLUSION

For the above reasons, applicant's request under 37 CFR 1.497(d) is **GRANTED**.

This application is being referred to the National Phase Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

5 AUG 2010

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23117
NIXON & VANDERHYE, PC
901 North Glebe Road, 11th Floor
Arlington, VA 22203

In re Application of
CLARK, Matthew
U.S. Application No.: 12/301,915
PCT No.: PCT/GB2007/001925
Int. Filing Date: 24 May 2007
Priority Date: 24 May 2006
Attorney Docket No.: AMK-4251-56
For: TRANSDUCERS

DECISION ON PETITION UNDER 37 CFR 1.497(d)

This is a decision on the papers filed 20 August 2009 requesting to remove an inventor in the above-captioned national stage application.

BACKGROUND

On 20 August 2009, applicant filed the subject petition which was accompanied by, *inter alia*, an executed declaration; a $130.00 processing fee; and a statement by the inventor being removed.

DISCUSSION

Applicant requests that Theodosia STRATOUDAKI be removed as an inventor in the above-captioned national stage application of PCT/GB2007/001925.

37 CFR 1.497(d) applies when the inventorship in a national stage application filed under 35 U.S.C. 371 differs from that set forth in the international application (see 37 CFR 1.48(f)(1)). 37 CFR 1.497(d) states, in part:

> (d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or a change to the inventive entity has been effected under PCT Rule 92 bis subsequent to the execution of any declaration which was filed under PCT Rule 4.17(iv), the oath or declaration must be accompanied by:
>
> > (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;

(2) The processing fee set forth in § 1.17(i); and

(3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter).

Applicant has provided a signed statement from Theodosia STRATOUDAKI stating that the error arose without any deceptive intention. The $130.00 processing fee has been paid. Items (1) and (2) of 37 CFR 1.497(d) are satisfied.

With regards to item (3) of 37 CFR 1.497(d), applicants have not provided the written consent of the assignee, nor have they affirmatively stated that no assignee exists.

A review of the above-captioned application reveals that the University of Nottingham is listed as applicant for all designated States except the United States in the underlying international application. This is sufficient to indicate the potential existence of an assignee in the subject national stage application. Applicant must address this issue in the renewed petition.

For this reason, item (3) of 37 CFR 1.497(d) is not satisfied.

CONCLUSION

Applicant's request under 37 CFR 1.497(d) 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 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.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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901 North Glebe Road, 11th Floor
Arlington, VA 22203

MAILED

JAN 12 2011

PCT LEGAL ADMINISTRATION

In re Application of
CLARK, Matthew
U.S. Application No.: 12/301,915
PCT No.: PCT/GB2007/001925
Int. Filing Date: 24 May 2007
Priority Date: 24 May 2006
Attorney Docket No.: AMK-4251-56
For: TRANSDUCERS

DECISION ON RENEWED PETITION UNDER 37 CFR 1.497(d)

This is a decision on the renewed request under 37 CFR 1.497(d) filed 03 November 2010.

BACKGROUND

On 05 August 2010, a decision dismissing applicant's petition pursuant to 37 CFR 1.497(d) was mailed. Applicant was given two months to respond with extensions of time available.

On 03 November 2010, applicant filed the subject response which was accompanied by, *inter alia*, a written consent of the assignee and a copy of an assignment.

DISCUSSION

Applicant requests that Theodosia STRATOUDAKI be removed as an inventor in the above-captioned national stage application of PCT/GB2007/001925. Applicants failed to provide written consent of the assignee in the original petition. As such, the petition was dismissed without prejudice.

In the renewed response, applicant has submitted a written consent of the assignee, the University of Nottingham. The consent was signed by Dr. Gary Evans who states that he is authorized to sign for the assignee. This statement is sufficient to show that Dr. Evans is authorized to sign for the assignee. *See* MPEP § 324(V)(B). Applicant also provided a copy of the assignment.

However, the written consent of the assignee must also comply with 37 CFR 3.73(b). In this case, applicant did not provide 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, or provide a statement specifying where the chain of title is recorded in the assignment records of the Office. *See* 37 CFR 3.73(b)(1); MPEP § 324(II).

For this reason, item (3) of 37 CFR 1.497(d) is still not satisfied.

CONCLUSION

Applicants' renewed request under 37 CFR 1.497(d) 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).

Failure to timely respond will result in the abandonment of the application.

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.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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Arlington, VA 22203

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SEP 13 2011

PCT LEGAL ADMINISTRATION

In re Application of
CLARK, Matthew
U.S. Application No.: 12/301,915
PCT No.: PCT/GB2007/001925
Int. Filing Date: 24 May 2007
Priority Date: 24 May 2006
Attorney Docket No.: AMK-4251-56
For: TRANSDUCERS

DECISION ON RENEWED PETITION UNDER 37 CFR 1.497(d)

This is a decision on the second renewed request to remove an inventor pursuant to 37 CFR 1.497(d) filed 15 February 2011.

BACKGROUND

On 12 January 2011, a decision dismissing applicant's renewed petition pursuant to 37 CFR 1.497(d) was mailed. Applicant was given two months to respond with extensions of time available.

On 15 February 2011, applicant filed the subject response which was accompanied by, *inter alia*, a written consent of the assignee and a copy of an assignment.

DISCUSSION

Applicant requests that Theodosia STRATOUDAKI be removed as an inventor in the above-captioned national stage application of PCT/GB2007/001925.

In the initial petition filed 20 August 2009, applicant completed items (1) and (2) of 37 CFR 1.497(d). In the first renewed petition filed 03 November 2010, applicant provided written consent of the assignee, the University of Nottingham. However, a statement under 37 CFR 3.73 was also required to complete item (3) of 37 CFR 1.497(d).

Applicant provided a consent of assignee which included a statement under 37 CFR 3.73(b) containing the reel and frame number of the assignment with the present response. A copy of the actual assignment was also provided. This completes the requirements of item (3) of 37 CFR 1.497(d).

All items of 37 CFR 1.497(d) are now satisfied.

CONCLUSION

Applicant's request to remove Theodosia STRATOUDAKI as a joint inventor in the subject application pursuant to 37 CFR 1.497(d) is **GRANTED**.

The declaration filed 20 August 2009 executed by Matthew CLARK as the sole inventor is in compliance with 37 CFR 1.497(a) & (b).

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing in accordance with this decision.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

2 7 SEP 2010

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UNIVERSITY OF VIRGINIA PATENT FOUNDATION
250 WEST MAIN STREET, SUITE 300
CHARLOTTESVILLE VA 22902

In re Application of :
Wadley et al. :
Application No.: 12/301,916 :
PCT No.: PCT/US2007/012268 :
Int. Filing Date: 23 May 2007 : DECISION
Priority Date: 23 May 2006 :
Attorney Docket No.: 01263-05 :
For: Method And Apparatus For Jet Blast Deflection :

This is in response to the renewed submission under 37 CFR 1.497(d) filed on 07 October 2009.

DISCUSSION

In a Decision mailed on 12 August 2009, the submission under 37 CFR 1.497(d) filed on 21 November 2008 was treated and the declaration was not accepted, without prejudice, because

> Regarding requirement (3), inspection of the published international application reveals that the University of Virginia Patent Foundation, the Regents of the University of California and Rensselaer Polytechnic Institute appear to enjoy proprietary interest in this application. However, the instant submission is not accompanied by the written consent of any assignee(s), as required by 37 CFR 1.497(d)(3). Therefore, it would not be appropriate to accept the change of inventorship on the basis of the present record.

It was also noted that the declarations of record were defective because they appear to have been assembled by aggregating separately sheets into a single document.

In response, counsel has provided "Written Consent of Assignee" signed by Robert Decker on behalf of assignee University of Virginia Patent Foundation and assenting to the change of inventorship. Attached thereto is a statement under 37 CFR 3.73(b) signed by Mr. Decker, who asserts "authority to act on behalf of the assignee." The statement identifies the assignee of the entire right, title and interest in the application, and indicates the reel and frame numbers where chain of title documents have been recorded in the USPTO. Therefore, ti would be appropriate to conclude that requirement (3) now has been satisfied.

Inspection of the declaration filed on 07 October 2009 reveals that it is acceptable for purposes of compliance with 37 CFR 1.497(a) and (b).

DECISION

The declaration filed on 07 October 2009 is **ACCEPTED** under 37 CFR 1.497(d).

The $130.00 processing fee is being charged to Deposit Account 50-0423, per the authorization included in the correspondence filed on 07 October 2009.

This application is being forwarded to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **07 October 2009.**

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

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Paper No.

PANITCH SCHWARZE BELISARIO & NADEL LLP
ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA PA 19103

MAILED
DEC 20 2011
OFFICE OF PETITIONS

In re Application of	:	
Karbasi and Korhonen	:	
Application No. 12/301,927	:	DECISION ON PETITIONS
Filed: January 9, 2009	:	PURSUANT TO
Title: PROCESS TO PRODUCE	:	37 C.F.R. §§ 1.47(A) AND
POLYOLEFINS WITH EXTRA LOW	:	1.48(A)
IMPURITY CONTENT	:	

This is in response to the petition pursuant to 37 C.F.R. § 1.47(a), filed on November 16, 2011. This is also a decision on the concurrently filed petition pursuant to 37 C.F.R. § 1.48(a) to add an inventor.

The petition pursuant to 37 C.F.R. § 1.47(a) is **DISMISSED.**

The petition pursuant to 37 C.F.R. § 1.48(a) is **DISMISSED.**

The petition pursuant to 37 C.F.R. § 1.47(a):

A grantable petition pursuant to 37 C.F.R. § 1.47(a) requires:

(1) the petition fee of $200;
(2) a surcharge of either $65 or $130 if the petition is not filed at the time of filing the application, as set forth in 37 C.F.R. § 1.16(f);
(3) a statement of the last known address of the non-signing inventor;
(4) either
    a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
    b) proof that the non-signing inventor

cannot be found or reached after diligent effort, and;

(5) a declaration which complies with 37 C.F.R. § 1.63.

With this petition, Petitioner has included the petition fee, the last known address of non-signing inventor Kabasi (via the submission of a declaration that has been executed by two other individuals, and lists the residential address of Mr. Kabasi).

Petitioner has met requirements (1) and (3) of 37 C.F.R. § 1.47(a). Requirement (2) is not applicable. Requirements (4) and (5) have not been satisfied, as will now be pointed out.

Regarding the fourth requirement above, the record does not support a finding that a complete copy of the application was sent to the last-known residential addresses of the non-signing inventor. Petitioner has indicated that a copy of the declaration was sent to the non-singing inventor via E-mail on October 3, 2011, and Mr. Kabasi has refused to execute the declaration and requested that he not be contacted at that e-mail address. However, it does not appear that a complete paper copy of the application was sent to the last-known address of the non-signing inventor. Where a refusal of the inventor to sign the application papers is alleged, the Office requires the petitioner to establish that a bona fide attempt was made to mail a complete copy of the application, which entails the specification, claims, drawings, and oath or declaration. Since the petition is silent as to any presentation of the application to the non-signing joint inventor, the fourth requirement has not been met.

It follows that since it has not been shown that a complete copy of the application was sent to the non-signing inventor, one cannot refuse to sign something which one has not seen. A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. It is reasonable to require that the inventor be presented with the application papers before a petition under Rule 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed.[1]

Before filing the renewed petition, Petitioner should mail

1 In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).

a complete paper[2] copy of the application to the non-signing joint inventor, and provide him with a reasonable period of time to respond. Petitioner should note that any statement that pertains to the presentation should be made by one having firsthand knowledge of the event. Statements based on hearsay are not normally accepted.

Regarding the fifth requirement above, Petitioner has not submitted a declaration which complies with 37 CFR § 1.63. The declaration submitted with the instant petition contains non-initialed and non-dated changes by Mr. Bergstra.[3]

The petition pursuant to 37 C.F.R. § 1.48(a):

A grantable petition pursuant to 37 C.F.R. § 1.48(a) requires:

(1) A request to correct the inventorship that sets forth the desired inventorship change;

(2) A statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;

(3) **An oath or declaration by the actual inventor or inventors as required by § 1.63 or as permitted by §§ 1.42, 1.43 or § 1.47;**

(4) The processing fee set forth in § 1.17(i); and

(5) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter).

With this petition, Petitioner has included a request to add Michiel Bergstra as an inventive entity, a statement from this individual that the error in inventorship occurred without deceptive intention on his part, a declaration by the actual inventors which has been executed by each joint inventor save Mr.

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2 The transmission of documents via Email, while a common practice, can be problematic. Transmission and receipt of documents-whether in image, word-processing, spreadsheet or other form-can be affected by differences in software generation between the sender and recipient(s), and other interferences include but are not limited to sender's and recipient's Internet service provider's (ISP) and/or office/personal security firewall systems. Thus, in the absence of an express statement from a non-signing inventor(s) that he/she/they have received, opened and read a document, unlike a printed page in the language of the recipient there is as of this writing no basis to presume that an e-mailed document was in a form that can be read and comprehended.

3 See 37 C.F.R. § 1.52(c)(1) and MPEP § 605.04(a).

Karbasi, the processing fee set forth in § 1.17(i), and the written consent of the assignee.

The petition pursuant to 37 C.F.R. § 1.48(a) cannot be granted at this time, as the petition pursuant to 37 C.F.R. § 1.47(a) has not been granted. The petition pursuant to 37 C.F.R. § 1.48(a) will be granted when the petition pursuant to 37 C.F.R. § 1.47(a) is granted, and at that time, Office records will be updated to reflect the change in inventorship and a corrected filing receipt will be mailed to Applicant.

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 Petitions pursuant to 37 C.F.R. §§ 1.47(a) and 1.48(a)." This is not a final agency action within the meaning of 5 U.S.C § 704.

The response to this decision should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[4] hand-delivery,[5] or facsimile.[6] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[7]

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.[8]

/Paul Shanoski/

Paul Shanoski
Senior Attorney
Office of Petitions

---

4 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
5 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
6 (571) 273-8300: please note this is a central facsimile number.
7 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html
8 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any of Petitioner's further action(s).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PANITCH SCHWARZE BELISARIO & NADEL LLP
ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA PA 19103

MAILED
MAR 16 2012
OFFICE OF PETITIONS

In re Application of	:	
Karbasi and Korhonen	:	
Application No. 12/301,927	:	DECISION ON RENEWED
Filed: January 9, 2009	:	PETITIONS PURSUANT TO
Title: PROCESS TO PRODUCE	:	37 C.F.R. §§ 1.47(A) AND
POLYOLEFINS WITH EXTRA LOW	:	1.48(A)
IMPURITY CONTENT	:	

This is in response to the renewed petition pursuant to 37 C.F.R. § 1.47(a) and the concurrently filed renewed petition pursuant to 37 C.F.R. § 1.48(a) to add Michiel Bergstra an inventor, each filed on February 17, 2012 and supplemented on February 28, 2012.

The renewed petition pursuant to 37 C.F.R. § 1.47(a) is **DISMISSED as inappropriate.**

The renewed petition pursuant to 37 C.F.R. § 1.48(a) is **DISMISSED.**

Original petitions pursuant to 37 C.F.R. §§ 1.47(a) and 1.48(a) were concurrently filed on November 16, 2011. In regards to the former, Petitioner included the petition fee associated with the filing of a petition pursuant to 37 C.F.R. § 1.47(a), the last known address of non-signing inventor Karbasi (via the submission of a declaration that has been executed by two other individuals, and lists the residential address of Mr. Karbasi). In regards to the latter, Petitioner included a request to add Michiel Bergstra as an inventive entity, a statement from this individual that the error in inventorship occurred without deceptive intention on his part, a declaration by the actual inventors which has been executed by each joint inventor save Mr. Karbasi, the processing fee set forth in § 1.17(i), and the written consent of the assignee.

Each of these petitions was dismissed via the mailing of a single decision on December 20, 2011. Regarding the original petition pursuant to 37 C.F.R. § 1.47(a), the decision indicated that

requirements (1) and (3) of 37 C.F.R. § 1.47(a) have been satisfied, that the second requirement is not applicable, and that requirements (4) and (5) have not been satisfied. Regarding the original petition pursuant to 37 C.F.R. § 1.48(a), the decision indicated that the petition would be granted when the petition pursuant to 37 C.F.R. § 1.47(a) is granted.

The Office has since reconsidered its position on the matter.

The Office received the renewed petitions pursuant to 37 C.F.R. §§ 1.47(a) and 1.48(a) on February 17, 2012. On February 28, 2012, the undersigned contacted Petitioner, indicated that 37 C.F.R. § 1.47(a) is not applicable since the electronic file contains a fully-executed declaration (submitted on January 9, 2009) and offered to treat the renewed petition pursuant to 37 C.F.R. § 1.47(a) as a petition pursuant to 37 C.F.R. § 1.183, however this would require charging an extra $200 to Petitioner's Deposit Account.[1] Petitioner indicated that he does not agree that a petition pursuant to 37 C.F.R. § 1.47(a) is inappropriate, and did not agree to this resolution of the matter. As a result, the general authorization to charge any fee deficiencies to a Deposit Account that has been located in the electronic file will not be construed as an authorization to charge the extra $200 to Petitioner's Deposit Account, and the renewed petition pursuant to 37 C.F.R. § 1.47(a) will not be treated as a petition pursuant to 37 C.F.R. § 1.183.

During the aforementioned telephone conversation, the undersigned further noted the renewed petition pursuant to 37 C.F.R. § 1.47(a) indicates a complete copy of the application was sent to the last known address of the non-signing inventor on January 12, 2012, and indicated Petitioner would need to submit a statement from one having firsthand knowledge of whether a response had been received from the non-signing inventor. Petitioner agreed to submit this statement, which was received in the Office on February 28, 2012.

Regarding the renewed petition pursuant to 37 C.F.R. § 1.47(a), the submission in inappropriate. 37 C.F.R. § 1.47(a) sets forth, *in toto*:

> If a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself or herself and the nonsigning inventor. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, the fee set forth in § 1.17(g), and

1 The fee that is associated with the filing of a petition pursuant to 37 C.F.R. § 1.47(a) is $200, whereas the fee that is associated with the filing of a petition pursuant to 37 C.F.R. § 1.183 is $400.

> the last known address of the nonsigning inventor. The nonsigning inventor may subsequently join in the application by filing an oath or declaration complying with § 1.63.
>
> Emphases added.

37 C.F.R. § 1.47(a) is only applicable for the original filing of the application. On January 9, 2009, the requirement for a signed oath or declaration was satisfied and the inventorship was established as Karbasi and Korhonen. Accordingly, a petition under 37 C.F.R. § 1.47(a) after the inventorship has been established is inappropriate. See MPEP § 201.03(II)(B).

With the supplement of February 28, 2012, Petitioner argues a petition pursuant to 37 C.F.R. § 1.47(a) is appropriate due to the language contained in 37 C.F.R. § 1.48(a)(3), which requires "[a]n oath or declaration by the actual inventor or inventors as required by § 1.63 or as permitted by §§ 1.42, 1.43 or § 1.47." The reference to 37 C.F.R. § 1.47(a) in 37 C.F.R. § 1.48(a)(3) pertains to situations where an inventor who has not joined an application is later excused from signing a subsequent declaration due to the fact that a petition pursuant to 37 C.F.R. § 1.47(a) has been previously granted in regards to that inventor. It does not negate the explicit language present in 37 C.F.R. § 1.47(a) which indicates it is applicable when a "joint inventor refuses to join in an application for patent."

It follows that a petition pursuant to 37 C.F.R. § 1.183 is required, including the $400 petition fee and an assertion that an extraordinary situation is present such that justice requires the waiver of 37 C.F.R. § 1.48(a)(3) as it pertains to Mr. Karbasi.

Regarding the renewed petition pursuant to 37 C.F.R. § 1.48(a), the Rule sets forth, *in toto*:

> (a) Nonprovisional application after oath/declaration filed. If the inventive entity is set forth in error in an executed § 1.63 oath or declaration in a nonprovisional application, and such error arose without any deceptive intention on the part of the person named as an inventor in error or on the part of the person who through error was not named as an inventor, the inventorship of the nonprovisional application may be amended to name only the actual inventor or inventors. Amendment of the inventorship requires:
>
> (1) A request to correct the inventorship that sets forth the desired inventorship change;
> (2) A statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;
> (3) An oath or declaration by the actual inventor or inventors as required by § 1.63 or as permitted by §§ 1.42, 1.43 or § 1.47;

> (4) The processing fee set forth in § 1.17(i); and
> (5) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter).

To date, Petitioner has included a request to correct the inventorship that sets forth the desired inventorship change, a statement from Mr. Bergstra that the error in inventorship occurred without deceptive intention on his part, the $130 processing fee, and the written consent of the assignee. As such, requirements (1) - (2) and (4) - (5) of 37 C.F.R. § 1.48(a) have been satisfied. The third requirement has not been satisfied.

In summary, **Petitioner will need to submit either a declaration which lists Mr. Bergstra as an inventive entity that has been executed by Mr. Karbasi or a petition pursuant to 37 C.F.R. § 1.183 requesting the waiver of 37 C.F.R. § 1.48(a)(3) along with the required fee**. The $200 fee that is associated with the filing of the petition pursuant to 37 C.F.R. § 1.47(a) will not be credited towards the fee that is associated with the filing of a petition pursuant to 37 C.F.R. § 1.183.

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 "Petition pursuant to 37 C.F.R. § 1.183 and Second Renewed Petition pursuant to 37 C.F.R. § 1.48(a)." This is not a final agency action within the meaning of 5 U.S.C § 704.

The response to this decision should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[2] hand-delivery,[3] or facsimile.[4] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[5]

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.

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2 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
3 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
4 (571) 273-8300: please note this is a central facsimile number.
5 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.[6]

Paul Shanoski
Senior Attorney
Office of Petitions

6 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any of Petitioner's further action(s).

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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www.uspto.gov

The Dow Chemical Company
Osha Liang LLP
Two Houston Center
909 Fannin Street, Suite 3500
Houston TX 77010-2002

MAILED
03 DEC 2010
PCT LEGAL ADMINISTRATION

In re Application of:
COOK, Michael, et al.
U.S. Application No.: 12/301,934
PCT No.: PCT/US2007/012822
International Filing Date: 31 May 2007
Claimed Priority Date: 31 May 2006
Attorney's Docket No.: 02468/015002
For: ADDITIVES FOR THE USE OF MICROWAVE ENERGY TO SELECTIVELY HEAT THERMOPLASTIC POLYMER SYSTEMS

DECISION
(37 CFR 1.182)

This decision is issued in response to the "Petition In Response To Communication" filed 21 October 2010 and supplemented on 30 November 2010, treated herein under 37 CFR 1.182. Applicants have paid the required petition fee.

BACKGROUND

The procedural background for the present application was set forth in the communication mailed 12 October 2010. The decision indicated that a petition under 37 CFR 1.182 was required to correct the names of record for three of the inventors to correspond to the names of these inventors as listed on the declaration.

On 21 October 2010, applicants filed the "Petition In Response To Communication" considered herein.

On 30 November 2010, applicants filed a supplement to the petition.

DISCUSSSION

The present petition (as supplemented on 30 November 2010) confirms that the correct names of the three inventor at issue are **Michael** S. Paquette; Robert P. Haley,·**Jr**.; and **Jose** Longoria, as listed on the executed declaration filed herein on 15 January 2010. The petition also confirms that the incorrect identification of these inventor in the international application occurred without deceptive intent. Finally, the petition included the required petition fee.

The present submission satisfies the requirements for a grantable petition under 37 CFR 1.182 to correct the names of record for inventor Mike Paquette to Michael S. Paquette, Robert Paul Haley to Robert P. Haley, Jr.; and Joe Longoria to Jose Longoria. In view of the above corrections, the declarations filed on 15 January 2010 are no longer defective for failure to properly identify the inventors of record herein. The declarations may therefore be accepted under 37 CFR 1.497.

It is suggested that applicants submit a supplemental application data sheet (ADS) listing the corrected names of these inventors to insure that, should a patent be issued in the present application, the correct names are listed thereon. See MPEP section 605.04(c).

CONCLUSION

Applicant's petition under 37 CFR 1.182 to correct the names of record for inventor Mike Paquette to Michael S. Paquette, Robert Paul Haley to Robert P. Haley, Jr.; and Joe Longoria to Jose Longoria is **GRANTED**.

In view of this correction, the executed declarations filed 15 January 2010 are now acceptable in compliance with 37 CFR 1.497.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 15 January 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

VOLPE AND KOENIG, P.C.
UNITED PLAZA
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103

MAILED

DEC 07 2010

OFFICE OF PETITIONS

In re Application of	:	
Gi-Je Ryu	:	DECISION ON PETITION
Application No. 12/301,974	:	TO WITHDRAW
Filed: November 21, 2008	:	FROM RECORD
Attorney Docket No. JSK-PT019	:	

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 October 29, 2010.

The request is **NOT APPROVED**.

The Office no longer accepts address changes to a new practitioner or law firm filed with requests under 37 C.F.R. § 1.36(b). The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

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.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

VOLPE AND KOENIG, P.C.
UNITED PLAZA
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103

MAILED

DEC 30 2010

OFFICE OF PETITIONS

In re Application of	:	
Gi-Je Ryu	:	DECISION ON PETITION
Application No. 12/301,974	:	TO WITHDRAW
Filed: November 21, 2008	:	FROM RECORD
Attorney Docket No. JSK-PT019	:	

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 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 Stephen B Schott on behalf of all the practitioners of record associated with Customer Number 3624.

All attorneys/agents associated with Customer Number 3624 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There are no outstanding Office actions that require a reply from the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: GI-JE RYU
1005-1002 JUGONG 10 DANJI APT., SEONGPO-DONG, SANGROK-GU, ANSI-SI
GYEONGGI-DO 426-771 REPUBLIC OF KOREA

UNITED 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
12/301,974	11/21/2008	Gi-Je Ryu	JSK-PT019

CONFIRMATION NO. 3305

POWER OF ATTORNEY NOTICE

3624
VOLPE AND KOENIG, P.C.
UNITED PLAZA
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103

OC000000045203875

Date Mailed: 12/30/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/13/2010.

- 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.

/atkelley/

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.
12/301,998	11/21/2008	Charles Page	1200608N US	3599

7590 08/10/2010

John H. Hornickel
Poly One Corporation
33587 Walker Road
Avon Lake, OH 44012

EXAMINER	
VALDEZ, DEVE E	
ART UNIT	PAPER NUMBER
1796	

MAIL DATE	DELIVERY MODE
08/10/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CT

August 10, 2010

In re application of	:	DECISION ON REQUEST TO
Charles Page et al	:	PARTICIPATE IN PATENT
Serial No. 12/301,998	:	PROSECUTION HIGHWAY
Filed: November 21, 2008	:	PROGRAM AND
For: THERMOPLASTIC ELASTOMERS	:	PETITION TO MAKE SPECIAL
FOR ADHESION TO POLYAMIDE	:	UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(d), filed June 11, 2010, to make the above-identified application special.

The request and petition are **DISMISSED** as moot. Specifically, a non-final office action was mailed in this application on August 4, 2010.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) Applicant must submit a claims correspondence table in English and all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications; and

The request to participate in the PPH program and petition fail because:

(5) Examination of the U.S. application has begun. Specifically, note that a non-final office action was mailed in this application on August 4, 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

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED

SEP 06 2011

PCT LEGAL ADMINISTRATION

The Dow Chemical Company
Intellectual Property Section
P.O. Box 1967
Midland MI 48641-1967

In re Application of :
KONZE, Wayde V., et al. :
Application No.: 12/302,050 :
PCT No.: PCT/US2007/009845 :
Int. Filing Date: 24 April 2007 : DECISION
Priority Date: 17 May 2006 :
Attorney's Docket No.: 64084A :
For: HIGH TEMPERATURE SOLUTION :
POLYMERIZATION PROCESS :

This decision responds applicants' response to Decision, filed in the United States Patent and Trademark Office on 23 March 2010.

On 23 March 2010, applicants submitted declarations of the inventors.

The 23 March 2010 declaration of the inventors complies with 37 CFR 1.497(a)-(b). The petition under 37 CFR 1.48(b) remains in the file to be acted upon after the application satisfies the requirements for entry into the national stage.

This application is being forwarded to the National Phase Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450
www. uspto. gov

HUDAK SHUNK & FARINE, CO., L.P.A.
2020 FRONT STREET
SUITE 307
CUYAHOGA FALLS, OH 44221

MAILED

NOV 14 2011

OFFICE OF PETITIONS

In re Application of :
Harald Weirich :
Application No. 12/302,056 : ON PETITION
Filed: November 24, 2008 :
Attorney Docket No. HRO-A-POT-US :

This is a decision on the petition under 37 CFR 1.137(b), filed October 31, 2011, to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed December 23, 2010, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on March 24, 2011.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 1762 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
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THE WEBB LAW FIRM, P.C.
ONE GATEWAY CENTER
420 FT. DUQUESNE BLVD, SUITE 1200
PITTSBURGH, PA 15222

MAILED
NOV 14 2011
OFFICE OF PETITIONS

In re Application of	:	
Dong-Eun Lee, et al.	:	
Application No. 12/302,081	:	DECISION GRANTING PETITION
Filed: November 24, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 1455-083737	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed November 14, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on September 23, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[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 1717 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Paper No.

DAVIS & BUJOLD, P.L.L.C.
112 PLEASANT STREET
CONCORD NH 03301

MAILED
OCT 24 2011
OFFICE OF PETITIONS

In re Application of :
Kai Borntrager : DECISION ON PETITION
Application No. 12/302,094 :
Filed: November 24, 2008 :
Atty Docket No. ZF P190US :

This is a decision on the PETITION FOR WITHDRAWAL OF NOTICE OF ABANDONMENT filed September 29, 2011.

The above-identified application became abandoned for failure to file a reply to the non-final Office action mailed March 3, 2011. 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 timely filed and no extension of time obtained, the application became abandoned effective June 4, 2011. A courtesy Notice of Abandonment was mailed on September 13, 2011.

In response, applicant filed the instant petition to withdraw the holding of abandonment based on nonreceipt of the Office action mailed March 3, 2011.

A review of the application file reveals no irregularities in the mailing of the Office action mailed March 3, 2011. Thus, there is a strong presumption that the correspondence was properly mailed to the applicant at the correspondence address of record. In the absence of demonstrated irregularities in mailing of this Notice, petitioner must submit evidence to overcome this presumption. The following showing is required:

> The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an

Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

Petitioner has submitted the required showing of non-receipt. It is specifically noted that the showing includes a copy of the docketing records for this case where the Office action mailed March 3, 2011 would have been entered had it been received, including a master due date list for all cases listing actions with action base dates including March 3, 2011 and action due dates from August 17, 2011 through September 17, 2011.

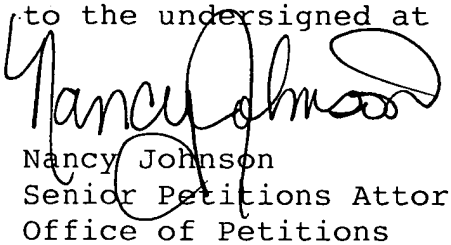
In view thereof, the holding of abandonment is hereby **WITHDRAWN**.

The petition under § 1.181 is **GRANTED**.

No fee is required on petition under § 1.181.

Technology Center AU 3655 has been advised of this decision. The application is, thereby, forwarded to the Technology Center's technical support staff to withdraw the holding of abandonment and for consideration by the examiner of the reply filed September 29, 2011.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/302,187	11/24/2008	Shinsuke Watanabe	404285	4958

7590 07/29/2011

LEYDIG VOIT & MAYER, LTD
700 THIRTEENTH ST. NW
SUITE 300
WASHINGTON, DC 20005-3960

EXAMINER	
WINAKUR, ERIC FRANK	
ART UNIT	**PAPER NUMBER**
3777	
NOTIFICATION DATE	**DELIVERY MODE**
07/29/2011	ELECTRONIC

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☑ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 12/8/2011

TO SPE OF : ART UNIT 1742 Johnson Christina (SPE)

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/302214 Patent No.: 8029707

CofC mailroom date: 11/28/2011

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Note: _____

_____

_____
Certificates of Correction Branch

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: _____

_____

_____

_____

_____

Christina Johnson
SPE

1742
Art Unit

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Alexandria, VA 22313-1450
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LEYDIG, VOIT & MAYER, LTD. (FRANKFURT OFFICE)
TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STETSON AVENUE
CHICAGO IL 60601-6731

MAILED
MAY 24 2011
OFFICE OF PETITIONS

In re Application of :
Hauke Peters et al. :
Application No. 12/302,216 : ON PETITION
Filed: November 24, 2008 :
Attorney's Docket No. **810751** :

This is a decision on the petition filed May 12, 2011, to correct an error in the inventor's name. The petition is being treated under 37 CFR 1.182.

The petition is **GRANTED**.

Petitioners request that the inventors' names be corrected from "Peters Hauke" to HAUKE PETERS" and argue that no changes in inventorship have been made. Petitioner submits a statement from the inventor explaining how the error was occasioned and that the error was not with deceptive intent. Additionally, a supplemental application data sheet identifying the inventor was submitted on May 12, 2011 with the instant petition.

In view of the instant request, the following inventor name data has been changed to:

Hauke Peters

This matter is being referred to the Publishing Division.

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

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/302,216	11/24/2008	2833	1280	810751	15	2

CONFIRMATION NO. 5146

CORRECTED FILING RECEIPT

95683
Leydig, Voit & Mayer, Ltd. (Frankfurt office)
Two Prudential Plaza, Suite 4900
180 North Stetson Avenue
Chicago, IL 60601-6731

Date Mailed: 05/23/2011

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)

Hauke Peters, Hanau, GERMANY;
Daniel Kuhl, Frankfurt, GERMANY;

Assignment For Published Patent Application

ABB Technology AG, Zuerich, SWITZERLAND

Power of Attorney: The patent practitioners associated with Customer Number 95683

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/EP07/03663 04/26/2007

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 2006 024007.3 05/23/2006

If Required, Foreign Filing License Granted: 03/07/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/302,216**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

SWITCHING DEVICE FOR AN ELECTRICAL SWITCHGEAR ASSEMBLY FOR ENERGY DISTRIBUTION

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 AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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NOV 15 2010

PCT LEGAL ADMINISTRATION

Fay Sharpe/Lucent
1228 Euclid Avenue, 5th Floor
The Halle Building
Cleveland, OH 44115-1843

In re Application of
COUAILLET et al.
Application No.: 12/302,282
PCT No.: PCT/EP2007/004507
Int. Filing Date: 22 May 2007
Priority Date: 24 May 2006
Attorney Docket No.: Q111225
For: MOBILITY MANAGEMENT METHOD FOR MOBILE TERMINALS IN A CELLULAR WIRELESS COMMUNICATION SYSTEM, AND EQUIPMENT FOR IMPLEMENTING THE METHOD

DECISION ON PETITION
UNDER
37 CFR 1.181
&
DECISION ON PAPERS
UNDER 37 CFR 1.42

This decision is issued in response to applicant's "Petition under 37 CFR 1.181 to Withdraw Notice of Abandonment" filed 04 October 2010. Additionally, this decision is issued in response to the previously submitted declaration filed 13 October 2009 (and 04 October 2010), which is being treated as a request under 37 CFR 1.42. No petition fee is due.

BACKGROUND

On 22 May 2007, applicant filed international application PCT/EP2007/004507, which claimed a priority date of 24 May 2006. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 24 November 2008.

On 24 November 2008, applicant filed a transmittal letter for entry into the national stage in the United States accompanied, inter alia, the basic national fee, a preliminary amendment, and an application data sheet.

On 12 May 2009, the United States Designated/Elected Office mailed a Notification of Missing Requirements (PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497 and the surcharge under 37 CFR 1.492(h).

On 13 October 2009, applicant filed a declaration of inventorship. In a decision dated 20 November 2009, applicants' request under 37 CFR 1.42 was refused.

On 04 August 2010, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Abandonment (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to file a complete response to the Notification of Missing Requirements (Decision on Paper under 37 CFR 1.42) mailed 20 November 2009 within the time period set therein.

On 04 October 2010, applicant filed the present petitions under 37 CFR 1.181 and 37 CFR 1.42.

DISCUSSION

Petition to Withdraw Holding of Abandonment

The Manual of Patent Examining Procedure (MPEP) at 711.03(c) and the Official Gazette, at 1156 OG 53, provides the grounds that an Office action was not received:

> 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.

Applicant has provided a statement that the Decision on Papers under 37 CFR 1.42 (mailed 20 November 2009) was never received; explained that a search of the file jacket and application contents revealed that the Decision on Petition had not been received; and included a copy of the relevant docket record. Further, applicant has provided a statement describing the firm's docketing system and that the docketing system is sufficiently reliable. Thus, applicant has provided the proper showing necessary to withdraw the holding of abandonment and the petition may be properly granted.

Declaration under 37 CFR 1.42

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

The declaration filed 13 October 2009 is executed by Bertrand COUAILLET as inventor and individuals on behalf of the deceased inventor, Phillippe DUPLESSIS. The declaration fails to identify the persons signing the declaration for Phillippe DUPLESSIS. In this case, the declaration should be executed by the legal representative(s) (executor, administrator, etc.) of the deceased inventor. Further, the declaration does not satisfy the requirements under 37 CFR 1.497(b)(2).

37 CFR 1.497(b)(2) states the following:

> (2) If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or § 1.47) the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person signing is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

Pursuant to revised 37 CFR 1.497(b)(2), in addition to the citizenship of the deceased inventor referenced under 37 CFR 1.497(a)(3) and 37 CFR 1.63, the declaration must also provide residence, citizenship, and post office address for the legal representative. The declaration filed on 13 October 2009 does not clearly identify the name, residence, citizenship, and post office address for the legal representative(s). Accordingly, the declaration is not in compliance with 37 CFR 1.497(b)(2). (This requirement is not alleviated by identifying such information on the transmittal letter submitted with the declaration.)

Therefore, a newly executed declaration is required which identifies the name, residence, citizenship, and post office address for the legal representative and the names and citizenship of the joint-inventors.

CONCLUSION

Applicant's petition to withdraw the holding of abandonment under 37 CFR 1.181 is GRANTED.

For the above reasons, the request for status under 37 CFR 1.42 is **REFUSED**.

Applicant is required to provide an oath/declaration in compliance with 37 CFR 1.497(a)-(b) within **TWO (2) MONTHS** from the mail date of this Decision. Failure to respond will result in the abandonment of the application. Any reconsideration request should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42" and must include an acceptable declaration under 37 CFR 1.497 which has been executed by the either the legal representative of the deceased inventor or, if no legal representative has been appointed, all of the heirs of the deceased inventor.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298

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JUN 01 2011

PCT LEGAL ADMINISTRATION

Fay Sharpe/Lucent
1228 Euclid Avenue, 5th Floor
The Halle Building
Cleveland, OH 44115-1843

In re Application of
COUAILLET et al.
Application No.: 12/302,282
PCT No.: PCT/EP2007/004507
Int. Filing Date: 22 May 2007
Priority Date: 24 May 2006
Attorney Docket No.: Q111225
For: MOBILITY MANAGEMENT METHOD FOR MOBILE TERMINALS IN A CELLULAR WIRELESS COMMUNICATION SYSTEM, AND EQUIPMENT FOR IMPLEMENTING THE METHOD

DECISION ON PAPERS
UNDER 37 CFR 1.42

This decision is issued in response to applicant's "Renewed Submission under 37 CFR 1.42" filed 17 January 2011. No petition fee is due.

BACKGROUND

On 22 May 2007, applicant filed international application PCT/EP2007/004507, which claimed a priority date of 24 May 2006. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 24 November 2008.

On 24 November 2008, applicant filed a transmittal letter for entry into the national stage in the United States accompanied, inter alia, the basic national fee, a preliminary amendment, and an application data sheet.

On 12 May 2009, the United States Designated/Elected Office mailed a Notification of Missing Requirements (PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497 and the surcharge under 37 CFR 1.492(h).

On 13 October 2009, applicant filed a declaration of inventorship. In a decision dated 20 November 2009, applicants' request under 37 CFR 1.42 was refused.

On 04 August 2010, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Abandonment (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to file a complete response to the Notification of Missing Requirements (Decision on Paper under 37 CFR 1.42) mailed 20 November 2009 within the time period set therein.

On 04 October 2010, applicant filed a petitions under 37 CFR 1.181 and 37 CFR 1.42. In a decision dated 15 November 2010, applicant's petition under 37 CFR 1.181 was granted, however, the declaration submitted was not in compliance with 37 CFR 1.497(b).

On 17 January 2011, applicant submitted the present request for reconsideration under 37 CFR 1.42.

DISCUSSION

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

The declaration filed 04 October 2010 is executed by Bertrand COUAILLET as inventor and Catherine Duplessis, Isabelle Dupolessis, and Mauricette Simon-Duplessis on behalf of the deceased inventor, Phillippe DUPLESSIS. Upon further review, the declaration identifies the deceased inventor and states the deceased inventor's country of citizenship and residence, is signed by Catherine Duplessis, Isabelle Dupolessis, and Mauricette Simon-Duplessis as "Legal Representative," states their relationship to the deceased (i.e., Legal Representative), and provides the Legal Representative's country of citizenship and residency. Accordingly, the declaration complies with the requirements of 37 CFR 1.497(a)-(b) and 37 CFR 1.42.

CONCLUSION

The papers filed under 37 CFR 1.42 are **ACCEPTED**.

The application has an international filing date of 22 May 2007, under 35 U.S.C. 363, and a 35 U.S.C. 371(c) date of 04 October 2010. This application is being forwarded to the National Stage Processing Branch of the International Division for continued national stage processing.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

JAN 06 2011

PCT LEGAL ADMINISTRATION

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON MA 02205

In re Application of HEITNER et al.	:
Application No.: 12/302,283	: DECISION ON
PCT No.: PCT/EP07/04601	:
Int. Filing: 24 May 2007	: PETITION
Priority Date: 25 May 2006	:
Attorney Docket No.: BSP53472	:UNDER 37 CFR 1.137(b)
For: DIMERIC MOLECULAR COMPLEXES	:

The petition to revive under 37 CFR 1.137(b) filed 04 November 2010 in the above captioned application is hereby **GRANTED** as follows:

Applicants' statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" satisfies the requirement of 37 CFR 1.137(b)(3).

Applicants have now submitted the executed declaration, in compliance with 37 CFR 1.497(a) and (b). The petition fee has been paid.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 04 November 2010.

/Cynthia M. Kratz/
Cynthia M Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: (571) 272-3286
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

Greenblum & Bernstein, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191

MAILED

DEC 06 2010

PCT LEGAL ADMINISTRATION

In re Application of:
UEHARA et al.
Application No.: 12/302,303
PCT No.: PCT/JP2007/060522
Int. Filing Date: 23 May 2007
Priority Date: 26 March 2006
Attorney Docket No.: P35588
For: LIGHT SOURCE DEVICE

DECISION ON PETITION
UNDER 37 CFR 1.181

This decision is issued in response to applicant's "Petition to Withdraw Holding of Abandonment under 37 CFR 1.181(a)" filed 10 August 2010. No petition fee is required.

The petition is accompanied by a copy of the declaration filed on 20 February 2009 in the United States Patent and Trademark Office and requests, in effect, that the copy of the declaration be accepted as a true copy of the declaration filed 20 February 2009. Additionally, applicant submitted a copy of the Acknowledgment Receipt generated with respect to the declaration filing, and such Acknowledgment Receipt confirms the receipt in the USPTO on 20 February 2009.

A review of the application file reveals that a declaration was received in the United States Patent and Trademark Office on 20 February 2009. Accordingly, applicants' petition under 37 CFR 1.181 to withdraw the Notification of Abandonment (Form PCT/DO/EO/909) mailed 05 August 2010 is **GRANTED**. The Notification of Missing Requirements (Form PCT/DO/EO/905) mailed 25 February 2010 and the Notification of Abandonment (Form PCT/DO/EO/909) mailed 05 August 2010 are hereby **VACATED**.

However, the declaration for inventors filed 20 February 2009 is not in compliance with 37 CFR 1.69(b); specifically, applicants have not used one of the pre-approved foreign language forms nor have applicants furnished the requisite statement attesting to the accuracy of the translation.

Therefore, applicants are required to file either (1) a pre-approved foreign language declaration in compliance with 37 CFR 1.497(a)-(b) or (2) the requisite statement under 37 CFR 1.69(b) that the translation is accurate. A proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to file a proper response will result in abandonment of the application.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298
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

Greenblum & Bernstein, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191

MAILED

JAN 04 2011

PCT LEGAL ADMINISTRATION

In re Application of:
UEHARA et al.
Application No.: 12/302,303
PCT No.: PCT/JP2007/060522
Int. Filing Date: 23 May 2007
Priority Date: 26 March 2006
Attorney Docket No.: P35588
For: LIGHT SOURCE DEVICE

DECISION ON PETITION

This decision is in response to applicants' "Response To Decision on Petition under 37 CFR 1.181" filed 23 December 2010 which includes a declaration of inventors and a statement attesting to the accuracy of the translation of the declaration. Additionally, this application is before the Office of PCT Legal Administration for issues arising under 35 U.S.C. 371.

BACKGROUND

The background for the present application was set forth in the decision mailed herein on 06 December 2010. That decision granted applicants' petition for withdrawal of the holding of abandonment and vacated the Notification Of Abandonment mailed 05 August 2010. The decision also noted that the declaration of inventors filed 20 February 2009 was not in compliance with 37 CFR 1.69(b) since applicants had not used one of the pre-approved foreign language forms nor had applicants furnished the requisite statement attesting to the accuracy of the translation.

On 21 December 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification of Acceptance of Application under 35 U.S.C. 371 AND 37 CFR 1.495" (Form PCT/DO/EO/903) which set forth the date of receipt 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) requirements as 10 August 2010 and a 35 U.S.C. 371 completion date of 10 August 2010.

On 23 December 2010, applicants filed the instant submission which includes a declaration of inventors and a statement attesting to the accuracy of the translation of the declaration.

DISCUSSION

The statement attesting to the accuracy of the previously filed declaration, filed 20 February 2009, satisfies 37 CFR 1.497(b) and 37 CFR 1.69(b).

CONCLUSION

As stated above, the statement the statement attesting to the accuracy of the previously filed declaration is ACCEPTED.

The Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495 (Form PCT/DO/EO/903) and Official Filing Receipt mailed on 21 December 2010 is hereby **VACATED**.

The application has an international filing date of 23 May 2007 under 35 U.S.C. 363 and a date of 20 February 2009 under 35 U.S.C. 371(c).

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision, that is, for mailing of a Notification of Acceptance of Application (Form PCT/DO/EO/903) which identifies a date of 20 February 2009 under 35 U.S.C. 371(c) and preparation and mailing of a corrected Filing Receipt in accordance with this decision, that is a filing receipt that identifies a filing date of 20 February 2009.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298
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

LEYDIG VOIT & MAYER, LTD
700 THIRTEENTH ST. NW
SUITE 300
WASHINGTON, DC 20005-3960

MAILED

APR 07 2011

OFFICE OF PETITIONS

In re Patent No. 7,770,260 :
Issue Date: August 10, 2010 :
Application No. 12/302,316 : DECISION ON PETITION
Filed: February 6, 2009 :
Attorney Docket No. 404275 :

This is a decision on the petition under 37 CFR 1.182, filed January 7, 2011, requesting issuance of a duplicate Letters Patent for the above-identified patent.

The petition is **GRANTED**.

The Office of Data Management is directed to issue duplicate Letters Patent.

As authorized, the $400 fee for the petition under 37 CFR 1.182 has been assessed to petitioner's deposit account.

Telephone inquiries concerning this decision may be directed to April M. Wise at (571) 272-1642. Inquiries regarding the issuance of the duplicate Letters Patent may be directed to Niomi P. Farmer in the Office of Data Management at (703) 756-1556.

A copy of this decision is being faxed to Office of Data Management for issuance of duplicate Letters Patent.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

cc: Niomi P. Farmer, Randolph Square, 9th Floor, Room D30-B (Fax No. (571) 270-9937)

UNITED 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.
12/302,334	11/25/2008	Takehiro Shindo	MAPS-44518	6052

7590 01/12/2011

PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND, OH 44114-3108

EXAMINER	
LEGASSE JR, FRANCIS M	
ART UNIT	PAPER NUMBER
2878	
MAIL DATE	DELIVERY MODE
01/12/2011	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☑ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

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

SUGHRUE-265550
2100 PENNSYLVANIA AVE. NW
WASHINGTON DC 20037-3213

MAILED
JAN 03 2012
OFFICE OF PETITIONS

In re Application of	:	
Naohisa Tachiya	:	
Application No. 12/302,378	:	DECISION GRANTING PETITION
Filed: November 25, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. Q110689	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, December 29, 2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on December 15, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 1626 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: August 16, 2010
Electronic Signature for Sharon M. Sintich: /Sharon M. Sintich/

Docket No.: 30847/44318
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Anna Helgadottir et al.

Application No.: 12/302,473

Intl' Filing Date: March 26, 2008

For: Genetic Variants on CHR2 and CHR16 as Markers for Use in Breast Cancer Assessment, Diagnosis, Prognosis and Treatment

Confirmation No.: 7358

Art Unit: Not Yet Assigned

Examiner: Not Yet Assigned

PETITION TO MAKE SPECIAL
UNDER 37 CFR 1.102(d)

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby request that the above-identified application be granted special status for examination under the provisions of 37 C.F.R. § 1.102(d)(1) in view of express abandonment of copending application no. 11/912,248. A copy of the letter of express abandonment of U.S. Application No. 11/912,248 is attached as Exhibit A. The '248 application is complete under 37 C.F.R. § 1.53.

The present application and U.S. Application No. 11/912,248 (now abandoned) have a common owner, deCODE genetics, ehf. Copies of the assignment recordal documents for each of these applications, which provide evidence of common ownership, are attached as Exhibits B and C. The applications have been commonly owned since before October 1, 2009.

Applicants have not filed petitions in more than fourteen other applications requesting special status under the accelerated prosecution program.

A substantive office action on the merits has not been mailed for the above-identified application as of yet.

Accordingly, Applicant requests that this Petition to Make Special be granted and the application undergo accelerated examination.

Applicants understand that the fee to consider a petition to make special on these grounds has been waived. However, the Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 13-2855, under Order No. 30847/44318.

Dated: August 16, 2010

Respectfully submitted,

Electronic signature: /Sharon M. Sintich/
Sharon M. Sintich
Registration No.: 48,484
MARSHALL, GERSTEIN & BORUN LLP
233 S. Wacker Drive
6300 Willis Tower
Chicago, Illinois 60606-6357
(312) 474-6300
Attorney for Applicant

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: August 16, 2010
Electronic Signature for Sharon M. Sintich: /Sharon M. Sintich/

Exhibit A

Docket No.: 30847/40834B
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Mark E. Gurney et al.

Application No.: 11/912,248 — Confirmation No.: 6130

Filed: October 22, 2007 — Art Unit: Not Yet Assigned

For: SUSTAINED RELEASE FORMULATION AND DOSING SCHEDULE OF LEUKOTRIENE SYNTHESIS INHIBITOR FOR HUMAN THERAPY — Examiner: Not Yet Assigned

EXPRESS ABANDONMENT PURSUANT TO 37 CFR 1.138

MS Express Abandonment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby expressly abandon the above-identified application. The express abandonment is solely for the purpose of obtaining special status of U.S. Application No. 12/302,473 under the Office's Project Exchange/Patent Application Backlog Reduction Stimulus Plan, and is conditioned on the granting of the petition in that case. The Applicants agree not to request a refund of any fees paid in U.S. Application No. 11/912,248.

Applicants hereby state that they have not and will not file a new application that claims the "same invention" claimed in the above-identified expressly abandoned application, where "same invention" has the meaning used in the context of statutory double patenting under 35 U.S.C. § 101. The Applicants have not and will not file an application that claims priority benefit of U.S. Application No. 11/912,248 under any provision of title 35 of the U.S. Code.

This application is owned by deCODE, genetics ehf. as evidenced by the assignment recordal attached hereto.

Dated: August 16, 2010

Respectfully submitted,

Electronic signature: /Sharon M. Sintich/
Sharon M. Sintich
Registration No.: 48,484
MARSHALL, GERSTEIN & BORUN LLP
233 S. Wacker Drive
6300 Willis Tower
Chicago, Illinois 60606-6357
(312) 474-6300
Attorney for Applicant

Acknowledgement Receipt

The USPTO has received your submission at **15:12:42** Eastern Time on **16-AUG-2010** .

No fees have been paid for this submission. Please remember to pay any required fees on time to prevent abandonment of your application.

eFiled Application Information

EFS ID	8225577
Application Number	11912248
Confirmation Number	6130
Title	Sustained Release Formulation and Dosing Schedules of Leukotriene Synthesis Inhibitor for Human Therapy
First Named Inventor	Mark E. Gurney
Customer Number or Correspondence Address	04743
Filed By	Sharon M. Sintich
Attorney Docket Number	30847/40834B
Filing Date	22-SEP-2008
Receipt Date	16-AUG-2010
Application Type	U.S. National Stage under 35 USC 371

Application Details

Submitted Files	Page Count	Document Description	File Size	Warnings
40834Bexp.PDF	6	Request for Exp Aband for refund or to avoid pub	804932 bytes	PASS

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in

due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

If you need help:

- *Call the Patent Electronic Business Center at (866) 217-9197 (toll free) or e-mail EBC@uspto.gov for specific questions about Patent e-Filing.*
- *Send general questions about USPTO programs to the USPTO Contact Center (UCC) .*
- *If you experience technical difficulties or problems with this application, please report them via e-mail to Electronic Business Support or call 1 800-786-9199.*

Exhibit B

UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

500660440A

SEPTEMBER 29, 2008

PTAS

MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE
6300 SEARS TOWER
CHICAGO, IL 60606

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 571-272-3350. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, MAIL STOP: ASSIGNMENT SERVICES BRANCH, P.O. BOX 1450, ALEXANDRIA, VA 22313.

RECORDATION DATE: 09/29/2008 REEL/FRAME: 021598/0632
NUMBER OF PAGES: 8

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).
DOCKET NUMBER: 30847/40834B

ASSIGNOR:
GURNEY, MARK E. DOC DATE: 05/05/2008

ASSIGNOR:
HAKONARSON, HAKON DOC DATE: 09/08/2008

ASSIGNEE:
DECODE GENETICS EHF.
STURLUGOTU 8
101
REYKJAVIK, ICELAND

SERIAL NUMBER: 11912248 FILING DATE:
PATENT NUMBER: ISSUE DATE:
TITLE: SUSTAINED RELEASE FORMULATION AND DOSING SCHEDULES OF LEUKOTRIENE SYNTHESIS INHIBITOR FOR HUMAN THERAPY

TO:MARSHALL, GERSTEIN & BORUN LLP COMPANY:233 SOUTH WACKER DRIVE

ASSIGNMENT SERVICES BRANCH
PUBLIC RECORDS DIVISION

Exhibit C

UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

500757415A

JANUARY 21, 2009

PTAS

MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE
6300 SEARS TOWER
CHICAGO, IL 60606-6357

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

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PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 571-272-3350. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, MAIL STOP: ASSIGNMENT SERVICES BRANCH, P.O. BOX 1450, ALEXANDRIA, VA 22313.

RECORDATION DATE: 01/19/2009 REEL/FRAME: 022124/0502
NUMBER OF PAGES: 6

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).
DOCKET NUMBER: 30847/44318

ASSIGNOR:
STACEY, SIMON DOC DATE: 12/17/2008

ASSIGNOR:
SULEM, PATRICK DOC DATE: 12/17/2008

ASSIGNOR:
MANOLESCU, ANDREI DOC DATE: 12/17/2008

ASSIGNEE:
DECODE GENETICS EHF.
STURLUGOTU 8
REYKJAVIK, ICELAND 101

TO:MARSHALL, GERSTEIN & BORUN LLP COMPANY:233 SOUTH WACKER DRIVE

022124/0502 PAGE 2

SERIAL NUMBER: 12302473 FILING DATE:
PATENT NUMBER: ISSUE DATE:
TITLE: GENETIC VARIANTS ON CHR2 AND CHR16 AS MARKERS FOR USE IN BREAST CANCER RISK ASSESSMENT, DIAGNOSIS, PROGNOSIS AND TREATMENT

ASSIGNMENT SERVICES BRANCH
PUBLIC RECORDS DIVISION

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE
6300 WILLIS TOWER
CHICAGO IL 60606-6357

MAILED

AUG 27 2010

OFFICE OF PETITIONS

In re Application of :
STACEY :
Application No. 12/302,473 :
Filed: March 26, 2008 :
Attorney Docket No. **30847/44318** :

DECISION ON PETITION
TO MAKE SPECIAL
37 CFR 1.102

This is a decision on the petition under 37 CFR 1.102, filed August 16, 2010, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009) and 75 Federal register Notice 36063 (June 24, 2010).

The petition is **DISMISSED**.

Any request for reconsideration of this decision should include a cover letter entitled "Renewed Petition under 37 CFR 1.102." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 62285 and 75 FR 36063 must be directed to a nonprovisional application filed prior to October 1, 2009.

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

(1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009;

(2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;

(3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;

(4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and

a) include a statement that the applicant has not and will not file a new application that claims the same invention claimed in the expressly abandoned application;

b) includes with the letter of express abandonment a statement that the applicant has not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United States Code, and

c) the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and

(5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought that

a) includes a specific identification of the relationship between the applications that qualifies the application for special status;

b) identifies, by application number if available, the application that is being expressly abandoned;

c) provides a statement certifying that applicant has not filed petitions in more than fourteen (14) other applications requesting special status under this program; and

d) provides a statement that applicant agrees to make an election without traverse in a telephonic interview if the Office determines that the claims of the application to be made special are directed to two or more independent and distinct inventions.

The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

The petition lacks Item 5d above.

More specifically, the present petition under 37 CFR 1.102 provide 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. As such, the present petition to make special must be dismissed.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300

Telephone inquires concerning this decision should be directed to Brian W. Brown at 571-272-5338.

During continued pre-examination processing, all other inquiries concerning this application should be directed to the Office of Patent Application Processing. Thereafter, all other inquiries should be directed to the Technology Center.

The application is being forwarded to the Office of Patent Examination processing for continued pre-examination processing as a regular, non-special, status utility application.

Brian W. Brown
Petitions Examiner
Office of Petitions

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: September 17, 2010
Electronic Signature for Sharon M. Sintich: /Sharon M. Sintich; #48,484/

Docket No.: 30847/44318
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Anna Helgadottir et al.

Application No.: 12/302,473

Intl' Filing Date: March 26, 2008

For: Genetic Variants on CHR2 and CHR16 as Markers for Use in Breast Cancer Assessment, Diagnosis, Prognosis and Treatment

Confirmation No.: 7358

Art Unit: Not Yet Assigned

Examiner: Not Yet Assigned

RENEWED PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This petition is a renewed petition following dismissal of Applicants petition dated August 16, 2010. Alleged deficiencies have been cured. Applicants hereby request that the above-identified application be granted special status for examination under the provisions of 37 C.F.R. § 1.102(d)(1) in view of express abandonment of copending application no. 11/912,248. A copy of the letter of express abandonment of U.S. Application No. 11/912,248 and the Notice of Abaondonment mailed by the United States Patent and Trademark Office are attached as Exhibit A. The '248 application is complete under 37 C.F.R. § 1.53.

The present application and U.S. Application No. 11/912,248 (now abandoned) have a common owner, deCODE genetics, ehf. Copies of the assignment recordal documents for each of these applications, which provide evidence of common ownership, are attached as Exhibits B and C. The applications have been commonly owned since before October 1, 2009.

Applicants have not filed petitions in more than fourteen other applications requesting special status under the accelerated prosecution program.

Applicants agree to make an election without traverse in a telephonic interview if the Office determines that the claims of the application to be made special are directed to two or more independent and distinct inventions.

A substantive office action on the merits has not been mailed for the above-identified application as of yet.

Accordingly, Applicant requests that this Petition to Make Special be granted and the application undergo accelerated examination.

Applicants understand that the fee to consider a petition to make special on these grounds has been waived. However, the Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 13-2855, under Order No. 30847/44318.

Dated: September 17, 2010

Respectfully submitted,

Electronic signature: /Sharon M. Sintich/
Sharon M. Sintich
Registration No.: 48,484
MARSHALL, GERSTEIN & BORUN LLP
233 S. Wacker Drive
6300 Willis Tower
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Attorney for Applicant

UNITED STATES PATENT AND TRADEMARK OFFICE

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233 SOUTH WACKER DRIVE
6300 WILLIS TOWER
CHICAGO IL 60606-6357

MAILED

SEP 29 2010

OFFICE OF PETITIONS

In re Application of :
STACEY :
Application No. 12/302,473 :
Filed: November 25, 2008 :
Attorney Docket No. **30847/44318** :

DECISION ON
RENEWED PETITION
TO MAKE SPECIAL
37 CFR 1.102

This is a decision on the renewed petition under 37 CFR 1.102, filed September 17, 2010, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009) and 75 Federal register Notice 36063 (June 24, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 62285 and 75 FR 36063 must be directed to a nonprovisional application filed prior to October 1, 2009.

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

(1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009;

(2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;

(3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;

(4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and

a) include a statement that the applicant has not and will not file a new application that claims the same invention claimed in the expressly abandoned application;

b) includes with the letter of express abandonment a statement that the applicant has not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United States Code, and

c) the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and

(5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought that

a) includes a specific identification of the relationship between the applications that qualifies the application for special status;

b) identifies, by application number if available, the application that is being expressly abandoned;

c) provides a statement certifying that applicant has not filed petitions in more than fourteen (14) other applications requesting special status under this program; and

d) provides a statement that applicant agrees to make an election without traverse in a telephonic interview if the Office determines that the claims of the application to be made special are directed to two or more independent and distinct inventions.

The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

The instant petition complies with the conditions required under Patent Application Backlog Reduction Stimulus Plan. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Brian W. Brown at 571-272-5338. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Office of Patent Application Processing for further processing commensurate with this decision.

Brian W. Brown
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

AMIN TALATI, LLC
225 North Michigan Avenue
Suite 700
CHICAGO IL 60601

MAILED

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OFFICE OF PETITIONS

In re Application of	:	
Shilpan Pravinchandra Patel et al.	:	
Application No. 12/302,481	:	DECISION ON PETITION
Filed: November 25, 2008	:	TO WITHDRAW
Attorney Docket No. ACP-107	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 6, 2010.

The request is **NOT APPROVED.**

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request to change the correspondence address is not that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71. If an assignee has ownership in this application, then a current Statement under 37 CFR 3.73(b) or a copy of the actual assignment must be provided with a renewed request.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

VENABLE LLP
P.O. BOX 34385
WASHINGTON DC 20043-9998

MAILED
AUG 2 0 2010
OFFICE OF PETITIONS

Applicant: Cao, et al.
Appl. No.: 12/302,489
International Filing Date: May 22, 2007
Title: A METHOD FOR MAKING LARGE-SIZED HOLLOW CERAMIC PLATE
Attorney Docket No.: 53328-265601
Pub. No.: US 2009/0229598 A1
Pub. Date: September 17, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on November 17, 2009, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors on the front page of the publication wherein the foreign application priority data was not published correctly. Applicant states the correct filing date for CN 200710014626.8 should be May 8, 2007 not August 5, 2007.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The error on the front page of the publication wherein the foreign application priority date for CN 200710014626.8, is misprinted as August 5, 2007 and not May 8, 2007, may be an Office error, but is not a material Office error under 37 CFR 1.221. The error in the foreign priority data does not affect the understanding of the application. The misprint does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

provisional rights that an applicant may seek to enforce upon issuance of a patent. The error also does not affect the use of the patent application publication as a prior art reference, because the foreign priority date is not useable as a reference date.

On June 12, 2009, a Filing Receipt was mailed by the Office, which improperly listed the inventor's name. To avoid this type of problem in the future, applicant's representative should correct the error and make a request for a corrected filing receipt prior to export of the application to the publisher and publication of the application.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

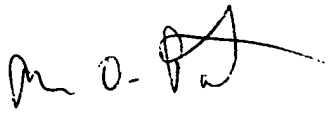
A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/ebc/portal/tutorials.htm

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.



Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-JP (05-10)
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO

Application No:	12/302,506	Filing date:	November 26, 2008
First Named Inventor:	Tetsuya KAWAGISHI		
Title of the Invention:	ULTRASONOGRAPH, MEDICAL IMAGE PROCESSING DEVICE, AND MEDICAL IMAGE PROCESSING PROGRAM		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/JP2007/000587

The international date of the corresponding PCT application(s) is/are: May 30, 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.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

PTO/SB/20PCT-JP (05-10)
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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO

(continued)

Application No.:	12/302,506
First Named Inventor:	Tetsuya KAWAGISHI

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 January 14, 2009 and May 18, 2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on January 14, 2009 and May 18, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-14, 19 and 21	1-14, 19 and 21	Identical or substantially identical
17-18	1, 17-18	See Preliminary Amendment submitted herewith and note below:
		Claim 17 was indicated as lacking novelty and Claims 17-18 were indicated as lacking inventive step in the Written Opinion of the International Searching Authority for PCT/JP2007/000587. However, Claims 17-18 depended from Claims 1 ***or*** Claim 15 in the PCT application. In this application, Claims 17-18 only depend from Claim 1. Accordingly, it is respectfully submitted Claims 17-18 have novelty and inventive step for at least the same reasons identified in the Written Opinion for Claim 1.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Date 4/11/11
Name (Print/Typed) Marc A. Robinson	Registration Number 59,276

STATEMENT OF ACCURATE TRANSLATION

I, **Daiichiro SAITO**, am a Japanese/English language translator and I am fluent in the Japanese and English languages. I hereby verify that the attached is an accurate translation into the English language of the claims of PCT/JP2007/000587, filed May 30, 2007.

April 8, 2011

Dai Saito

Daiichiro SAITO

CLAIMS

1. An ultrasonic diagnostic apparatus, comprising:

an ultrasonic probe;

a transceiver configured to transmit and receive an ultrasonic wave to and from the ultrasonic probe;

an image creating part configured to create image data of a series of tomographic images in time series for each of two or more sectional positions of a biological tissue on the basis of a received signal obtained as a result of transmitting and receiving the ultrasonic wave;

a display part configured to display one tomographic image from among the series of tomographic images on the basis of the image data created for each of the two or more sectional positions;

a designating part configured to designate a measurement image region on the one displayed tomographic image for each of the two or more sectional positions; and

a calculator configured to calculate local motion information showing a motion state of the biological tissue in the designated measurement image region on the basis of the image data of the series of tomographic images for each of the two or more sectional positions and calculate motion information showing the motion state of the biological tissue on the basis of the local motion information calculated for each of the two or more sectional positions,

wherein the display part displays the motion information calculated by the calculator.

2. The ultrasonic diagnostic apparatus according to Claim 1:

wherein with the transceiver, the ultrasonic probe scans each of a

plurality of positions along a predetermined direction, in an ultrasonic wave transmitting and receiving direction along a direction orthogonal to the predetermined direction, and repeats an ultrasonic wave transmitting and receiving operation along the predetermined direction and the orthogonal direction;

wherein the image creating part includes:

a first tomographic image creating part configured to create image data of a first tomographic image in a section of the biological tissue including the transmitting and receiving direction and the orthogonal direction, on the basis of received signals sequentially obtained at the time of scan in the ultrasonic wave transmitting and receiving direction of the orthogonal direction;

a volume data creating part configured to create volume data of the biological tissue, on the basis of the image data of the first tomographic image created for each of the plurality of positions; and

a second tomographic image creating part configured to create image data of a second tomographic image for each of the two or more sectional positions, on the basis of the created volume data; and

wherein a plurality of the image data of the second tomographic image obtained by repeating the ultrasonic wave transmitting and receiving operation for each of the two or more sectional positions are used as the image data of the series of tomographic images in time series.

3. The ultrasonic diagnostic apparatus according to Claim 1, wherein the calculator obtains the motion information by calculating difference information showing a difference of the local motion information at two sectional positions among the two or more sectional positions.

4. The ultrasonic diagnostic apparatus according to Claim 3: wherein

sections of the series of tomographic images at one sectional position of the two sectional positions are parallel to sections of the series of tomographic images at the other sectional position; and

the calculator calculates, as the local motion information, a rotary angle of the biological tissue in the measurement image region about a direction orthogonal to the sections of the series of tomographic images, for each of the two sectional positions, and calculates, as the difference information, a difference between the rotary angles calculated for the two sectional positions, thereby using the calculated difference between the rotary angles as the motion information showing a straining motion of the biological tissue.

5. The ultrasonic diagnostic apparatus according to Claim 3, wherein:

sections of the series of tomographic images at one sectional position of the two sectional positions are parallel to sections of the series of tomographic images at the other sectional position; and

the calculator calculates, as the local motion information, a rotary angle of the biological tissue in the measurement image region about a direction orthogonal to the sections of the series of tomographic images for each of the two sectional positions, and calculates, as the difference information, a difference between the rotary angles calculated for the two sectional positions to differentiate the calculated difference between the rotary angles by time, thereby calculating the motion information showing a velocity of a straining motion of the biological tissue.

6. The ultrasonic diagnostic apparatus according to Claim 3, wherein:

sections of the series of tomographic images at one sectional position of the two sectional positions are parallel to sections of the series of tomographic images at the other sectional position; and

the calculator calculates, as the local motion information, a rotary angle of the biological tissue in the measurement image region about a direction orthogonal to the sections of the series of tomographic images for each of the two sectional positions, and calculates, as the difference information, a difference between the rotary angles calculated for the two sectional positions to divide the calculated difference between the rotary angles by a distance between the two sectional positions, thereby obtaining the motion information showing a relative rotary gradient of the biological tissue.

7. The ultrasonic diagnostic apparatus according to Claim 2, wherein the calculator calculates the local motion information showing a three-dimensional motion state of the biological tissue in the measurement image region designated by the designating part on the basis of the volume data for each of the two or more sectional positions, and calculates the motion information on the basis of the local motion information showing the three-dimensional motion state calculated for each of the two or more sectional positions.

8. The ultrasonic diagnostic apparatus according to Claim 7, wherein the calculator obtains the motion information by calculating difference information showing a difference of the local motion information showing the three-dimensional motion state at two sectional positions among the two or

more sectional positions.

9. The ultrasonic diagnostic apparatus according to Claim 8, wherein:

sections of the series of tomographic images at one sectional position of the two sectional positions are parallel to sections of the series of tomographic images at the other sectional position; and

the calculator calculates displacements in a direction orthogonal to the sections of the series of tomographic images of the biological tissue in the measurement image region on the basis of the local motion information showing the calculated three-dimensional motion state for the respective two sectional positions, and calculates, as the difference information, a difference between the displacements in the orthogonal direction calculated for the respective two sectional positions, thereby using the calculated difference between the displacements as the motion information showing an expanding and contracting motion of the biological tissue in the orthogonal direction.

10. The ultrasonic diagnostic apparatus according to Claim 8, wherein:

sections of the series of tomographic images at one sectional position of the two sectional positions are parallel to sections of the series of tomographic images at the other sectional position; and

the calculator calculates displacements in a direction orthogonal to the sections of the series of tomographic images of the biological tissue in the measurement image region on the basis of the local motion information showing the three-dimensional motion state calculated for the respective two sectional positions, and calculates, as the difference information, a difference between the displacements in the orthogonal direction calculated for the respective two sectional positions to differentiate the calculated difference

between the displacements by time, thereby calculating the motion information showing a velocity of an expanding and contracting motion of the biological tissue in the orthogonal direction.

11. The ultrasonic diagnostic apparatus according to Claim 8, wherein:

sections of the series of tomographic images at one sectional position of the two sectional positions are parallel to sections of the series of tomographic images at the other sectional position; and

the calculator calculates displacements in a direction orthogonal to the sections of the series of tomographic images of the biological tissue in the measurement image region on the basis of the local motion information showing the calculated three-dimensional motion state for the respective two sectional positions, and calculates, as the difference information, a difference between the displacements in the orthogonal direction calculated for the respective two sectional positions to divide the calculated difference of the displacements by an original distance between the two sectional positions, thereby using a quotient as the motion information showing a strain of the biological tissue in the orthogonal direction.

12. The ultrasonic diagnostic apparatus according to Claim 8, wherein:

sections of the series of tomographic images at one sectional position of the two sectional positions are parallel to sections of the series of tomographic images at the other sectional position; and

the calculator calculates displacements in a direction orthogonal to the sections of the series of tomographic images of the biological tissue in the measurement image region on the basis of the local motion information showing the calculated three-dimensional motion state for the respective two

sectional positions, and calculates a difference, as the difference information, between the displacements in the orthogonal direction calculated for the respective two sectional positions to divide the calculated difference of the displacements by an original distance between the two sectional positions and differentiate a quotient by time, thereby calculating the motion information showing a strain rate of the biological tissue in the orthogonal direction.

13. The ultrasonic diagnostic apparatus according to Claim 1, wherein:

the designating part includes an automatic designating part configured to designate a new measurement image region at a sectional position different from the two or more sectional positions on the basis of the measurement image region designated on the one tomographic image displayed by the display part; and

the calculator calculates the local motion information showing the motion state of the biological tissue in the new designated measurement image region, and calculates the motion information on the basis of the local motion information calculated for each of the two or more sectional positions and the different sectional position.

14. The ultrasonic diagnostic apparatus according to any of Claims 1 to 13, wherein:

the biological tissue is a heart; and

the measurement image region designated by the designating part is an image region corresponding to a heart wall of the heart in the one tomographic image displayed by the display part.

15. An ultrasonic diagnostic apparatus, comprising:

an ultrasonic probe;

a transceiver configured to transmit and receive an ultrasonic wave to and from the ultrasonic probe;

an image creating part configured to create image data of a series of tomographic images in time series for each of one or more sectional positions of a biological tissue on the basis of a received signal obtained as a result of transmitting and receiving the ultrasonic wave;

a display part configured to display one tomographic image from among the series of tomographic images on the basis of the created image data for each of the one or more sectional positions;

a designating part configured to designate a measurement image region on the one displayed tomographic image for each of the one or more sectional positions; and

a calculator configured to calculate local motion information showing a motion state of the biological tissue in the designated measurement image region on the basis of the image data of the series of tomographic images for each of the one or more sectional positions,

wherein the display part displays the local motion information calculated by the calculator.

16. The ultrasonic diagnostic apparatus according to Claim 15, wherein:

the biological tissue is a heart;

the designated measurement image region is a heart wall in the one displayed tomographic image; and

the calculator calculates, as the local motion information, at least one of variation in thickness of the heart wall, a velocity of the variation in thickness of the heart wall, a strain in a thickness direction of the heart wall, a

strain rate in the thickness direction of the heart wall, a rotary angle of an inner lining or an outer lining of the heart wall in a rotary direction about a direction orthogonal to sections of the series of tomographic images, a strain of the heart wall in the rotary direction, a strain rate of the heart wall in the rotary direction, and a relative rotary angle of the inner lining and the outer lining of the heart wall in the rotary direction.

17. The ultrasonic diagnostic apparatus according to Claim 1 or 15, wherein the calculator designates a plurality of measurement points in the measurement image region designated on the one displayed tomographic image, obtains positions of the plurality of measurement points in each of the series of tomographic images, calculates a displacement in time series or a displacement velocity of each of the plurality of measurement points on the basis of the obtained positions, and calculates a displacement of the measurement image region on the basis of the displacement or the displacement velocity calculated for each of the plurality of measurement points.

18. The ultrasonic diagnostic apparatus according to Claim 1 or 15, wherein:

the ultrasonic probe includes a plurality of ultrasonic transducers arranged two-dimensionally: and

the transceiver controls the plurality of ultrasonic transducers individually or by group of two or more so as to scan with an ultrasonic wave in a predetermined direction and a direction orthogonal to the predetermined direction.

19. A medical image processing apparatus configured to process image data of

a medical image of a biological tissue obtained by an ultrasonic diagnostic apparatus, the medical image processing apparatus comprising:

a memory configured to store image data of a series of tomographic images in time series at two or more sectional positions of a biological tissue;

a display part configured to display one tomographic image from among the series of tomographic images on the basis of the stored image data for the respective two or more sectional positions;

a designating part configured to designate a measurement image region on the displayed one tomographic image for each of the two or more sectional positions; and

a calculator configured to calculate local motion information showing a motion state of the biological tissue in the designated measurement image region on the basis of the image data of the series of tomographic images for each of the two or more sectional positions, and calculates motion information showing the motion state of the biological tissue on the basis of the local motion information calculated for each of the two or more sectional positions,

wherein the display part displays the motion information calculated by the calculator.

20. A medical image processing apparatus configured to process image data of a medical image of a biological tissue obtained by an ultrasonic diagnostic apparatus, the medical image processing apparatus comprising:

a memory configured to store image data of a series of tomographic images in time series at each of one or more sectional positions of the biological tissue;

a display part configured to display one tomographic image from among the series of tomographic images on the basis of the stored image data

for each of the one or more sectional positions;

a designating part configured to designate a measurement image region on the one displayed tomographic image for each of the one or more sectional positions; and

a calculator configured to calculate local motion information showing a motion state of the biological tissue in the designated measurement image region on the basis of the image data of the series of tomographic images for each of the one or more sectional positions,

wherein the display part displays the local motion information calculated by the calculator.

21. A medical image processing program for causing a computer having a memory configured to store image data of a series of tomographic images in time series at each of two or more sectional positions of a biological tissue and a display part to execute the functions of:

displaying one tomographic image from among the series of tomographic images on the display on the basis of the stored image data for each of the two or more sectional positions;

in response to designation of a measurement region on the one displayed tomographic image, calculating local motion information showing a motion state of the biological tissue in the designated measurement image region on the basis of the image data of the series of tomographic images for each of the two or more sectional positions;

calculating motion information showing a motion state of the biological tissue on the basis of the local motion information calculated for each of the two or more sectional positions; and

displaying the calculated motion information on the display.

22. A medical image processing program for causing a computer having a memory configured to store image data of a series of tomographic images in time series at each of one or more sectional positions of a biological tissue and a display part to execute the functions of:

displaying one tomographic image from among the series of tomographic images on the display on the basis of the stored image data for each of the one or more sectional positions;

in response to designation of a measurement image region designated on the one displayed tomographic image, calculating local motion information showing a motion state of the biological tissue in the designated measurement image region on the basis of the image data of the series of tomographic images, for each of the one or more sectional positions; and

displaying the calculated local motion information on the display.

請求の範囲

[1] 超音波プローブと、

前記超音波プローブに超音波を送受信させる送受信手段と、

前記超音波の送受信の結果として得られた受信信号に基づき、生体組織の２以上の断面位置のそれぞれについて、時系列に沿った一連の断層画像の画像データを生成する画像生成手段と、

前記２以上の断面位置のそれぞれについて、前記生成された画像データに基づき、前記一連の断層画像のうちの１つの断層画像を表示する表示手段と、

前記２以上の断面位置のそれぞれについて、前記表示された前記１つの断層画像に計測画像領域を指定する指定手段と、

前記２以上の断面位置のそれぞれについて、前記一連の断層画像の画像データに基づき、前記指定された計測画像領域における前記生体組織の運動の状態を示す局所運動情報を演算するとともに、前記２以上の断面位置のそれぞれについて前記演算された局所運動情報に基づいて、前記生体組織の運動の状態を示す運動情報を演算する演算手段と、

を備え、

前記表示手段は、前記演算手段により演算された前記運動情報を表示する、

ことを特徴とする超音波診断装置。

[2] 前記超音波プローブは、前記送受信手段により、所定の方向に沿った複数の位置のそれぞれにおいて、当該所定の方向に直交する方向に沿って超音波の送受信方向を走査するとともに、前記所定の方向及び前記直交する方向に沿った超音波の送受信を反復し、

前記画像生成手段は、

超音波の送受信方向が前記直交する方向に走査されるときに順次に得られた受信信号に基づいて、前記生体組織の前記送受信方向及び前記直交する方向を含む断面における第１の断層画像の画像データを生成する第１の断層画

像生成手段と、

前記複数の位置のそれぞれについて前記生成された前記第１の断層画像の画像データに基づいて、前記生体組織のボリュームデータを生成するボリュームデータ生成手段と、

前記生成されたボリュームデータに基づいて、前記２以上の断面位置のそれぞれにおける第２の断層画像の画像データを生成する第２の断層画像生成手段と、

を備えるとともに、

前記２以上の断面位置のそれぞれについて、前記超音波の送受信を前記反復することにより得られる複数の前記第２の断層画像の画像データを、前記時系列に沿った一連の断層画像の画像データとする、

ことを特徴とする請求項１に記載の超音波診断装置。

[3] 前記演算手段は、前記２以上の断面位置のうちのいずれか２つの断面位置における前記局所運動情報の差異を示す差異情報を演算して前記運動情報を求める、

ことを特徴とする請求項１に記載の超音波診断装置。

[4] 前記２つの断面位置の一方の断面位置における前記一連の断層画像の断面と、他方の断面位置における前記一連の断層画像の断面とは、互いに平行であり、

前記演算手段は、

前記２つの断面位置のそれぞれについて、前記一連の断層画像の断面に直交する方向を軸とする前記計測画像領域における前記生体組織の回転角度を前記局所運動情報として演算するとともに、

前記２つの断面位置のそれぞれについて前記演算された前記回転角度の差を前記差異情報として演算し、この演算された回転角度の差を前記生体組織の捻れ運動を示す前記運動情報とする、

ことを特徴とする請求項３に記載の超音波診断装置。

[5] 前記２つの断面位置の一方の断面位置における前記一連の断層画像の断面

と、他方の断面位置における前記一連の断層画像の断面とは、互いに平行であり、

前記演算手段は、

前記２つの断面位置のそれぞれについて、前記一連の断層画像の断面に直交する方向を軸とする前記計測画像領域における前記生体組織の回転角度を前記局所運動情報として演算するとともに、

前記２つの断面位置のそれぞれについて前記演算された前記回転角度の差を前記差異情報として演算し、この演算された回転角度の差を時間で微分することにより、前記生体組織の捻れ運動の速度を示す前記運動情報を演算する、

ことを特徴とする請求項３に記載の超音波診断装置。

[6] 前記２つの断面位置の一方の断面位置における前記一連の断層画像の断面と、他方の断面位置における前記一連の断層画像の断面とは、互いに平行であり、

前記演算手段は、

前記２つの断面位置のそれぞれについて、前記一連の断層画像の断面に直交する方向を軸とする前記計測画像領域における前記生体組織の回転角度を前記局所運動情報として演算するとともに、

前記２つの断面位置のそれぞれについて前記演算された前記回転角度の差を前記差異情報として演算し、この演算された回転角度の差を前記２つの断面位置の間の距離で除算して、前記生体組織の相対回転勾配を示す前記運動情報を求める、

ことを特徴とする請求項３に記載の超音波診断装置。

[7] 前記演算手段は、

前記２以上の断面位置のそれぞれについて、前記ボリュームデータに基づき、前記指定手段により指定された計測画像領域における前記生体組織の３次元的な運動の状態を示す前記局所運動情報を演算するとともに、

前記２以上の断面位置のそれぞれについて前記演算された前記３次元的な

運動の状態を示す局所運動情報に基づいて、前記運動情報を演算する、

ことを特徴とする請求項２に記載の超音波診断装置。

[8] 前記演算手段は、前記２以上の断面位置のうちのいずれか２つの断面位置における前記３次元的な運動の状態を表す局所運動情報の差異を示す差異情報を演算して前記運動情報を求める、

ことを特徴とする請求項７に記載の超音波診断装置。

[9] 前記２つの断面位置の一方の断面位置における前記一連の断層画像の断面と、他方の断面位置における前記一連の断層画像の断面とは、互いに平行であり、

前記演算手段は、

前記２つの断面位置のそれぞれについて、前記演算された前記３次元的な運動の状態を示す局所運動情報に基づき、前記計測画像領域における前記生体組織の前記一連の断層画像の断面に直交する方向への変位を演算するとともに、前記２つの断面位置のそれぞれについて前記演算された前記直交する方向への変位の差を前記差異情報として演算し、この演算された変位の差を前記生体組織の前記直交する方向における伸縮運動を示す前記運動情報とする、

ことを特徴とする請求項８に記載の超音波診断装置。

[10] 前記２つの断面位置の一方の断面位置における前記一連の断層画像の断面と、他方の断面位置における前記一連の断層画像の断面とは、互いに平行であり、

前記演算手段は、

前記２つの断面位置のそれぞれについて、前記演算された前記３次元的な運動の状態を示す局所運動情報に基づき、前記計測画像領域における前記生体組織の前記一連の断層画像の断面に直交する方向への変位を演算するとともに、前記２つの断面位置のそれぞれについて前記演算された前記直交する方向への変位の差を前記差異情報として演算し、この演算された変位の差を時間で微分することにより、前記生体組織の前記直交する方向における伸縮

運動の速度を示す前記運動情報を演算する、

ことを特徴とする請求項８に記載の超音波診断装置。

[11] 前記２つの断面位置の一方の断面位置における前記一連の断層画像の断面と、他方の断面位置における前記一連の断層画像の断面とは、互いに平行であり、

前記演算手段は、

前記２つの断面位置のそれぞれについて、前記演算された前記３次元的な運動の状態を示す局所運動情報に基づき、前記計測画像領域における前記生体組織の前記一連の断層画像の断面に直交する方向への変位を演算するとともに、前記２つの断面位置のそれぞれについて前記演算された前記直交する方向への変位の差を前記差異情報として演算し、この演算された変位の差を前記２つの断面位置の間の元の距離で除算し、その商を前記生体組織の前記直交する方向におけるストレインを示す前記運動情報とする、

ことを特徴とする請求項８に記載の超音波診断装置。

[12] 前記２つの断面位置の一方の断面位置における前記一連の断層画像の断面と、他方の断面位置における前記一連の断層画像の断面とは、互いに平行であり、

前記演算手段は、

前記２つの断面位置のそれぞれについて、前記演算された前記３次元的な運動の状態を示す局所運動情報に基づき、前記計測画像領域における前記生体組織の前記一連の断層画像の断面に直交する方向への変位を演算するとともに、前記２つの断面位置のそれぞれについて前記演算された前記直交する方向への変位の差を前記差異情報として演算し、この演算された変位の差を前記２つの断面位置の間の元の距離で除算し、その商を時間で微分することにより、前記生体組織の前記直交する方向におけるストレインレートを示す前記運動情報を演算する、

ことを特徴とする請求項８に記載の超音波診断装置。

[13] 前記指定手段は、前記表示手段に表示された前記１つの断層画像に対して

前記指定された計測画像領域に基づいて、前記２以上の断面位置とは異なる断面位置に新たな計測画像領域を指定する自動指定手段を含み、

前記演算手段は、前記指定された新たな計測画像領域における前記生体組織の運動の状態を示す局所運動情報を演算するとともに、前記２以上の断面位置及び前記異なる断面位置のそれぞれについて前記演算された前記局所運動情報に基づいて、前記運動情報を演算する、

ことを特徴とする請求項１に記載の超音波診断装置。

[14] 前記生体組織は心臓であり、

前記指定手段により指定される計測画像領域は、前記表示手段に表示された前記１つの断層画像において前記心臓の心臓壁に相当する画像領域である、

ことを特徴とする請求項１～請求項１３のいずれか一項に記載の超音波診断装置。

[15] 超音波プローブと、

前記超音波プローブに超音波を送受信させる送受信手段と、

前記超音波の送受信の結果として得られた受信信号に基づき、生体組織の１以上の断面位置のそれぞれについて、時系列に沿った一連の断層画像の画像データを生成する画像生成手段と、

前記１以上の断面位置のそれぞれについて、前記生成された画像データに基づき、前記一連の断層画像のうちの１つの断層画像を表示する表示手段と、

前記１以上の断面位置のそれぞれについて、前記表示された前記１つの断層画像に計測画像領域を指定する指定手段と、

前記１以上の断面位置のそれぞれについて、前記一連の断層画像の画像データに基づき、前記指定された計測画像領域における前記生体組織の運動の状態を示す局所運動情報を演算する演算手段と、

を備え、

前記表示手段は、前記演算手段により演算された前記局所運動情報を表示

する、

ことを特徴とする超音波診断装置。

[16] 前記生体組織は心臓であり、

前記指定される前記計測画像領域は、前記表示された前記１つの断層画像における心臓壁であり、

前記演算手段は、前記局所運動情報として、前記心臓壁の厚さの変化、前記心臓壁の厚さの変化の速度、前記心臓壁の厚さ方向におけるストレイン、前記心臓壁の厚さ方向におけるストレインレート、前記一連の断層画像の断面に直交する方向を軸とする回転方向における前記心臓壁の内膜又は外膜の回転角度、前記回転方向における前記心臓壁のストレイン、前記回転方向における前記心臓壁のストレインレート、及び、前記回転方向における前記心臓壁の内膜と外膜との相対回転角度のうちの少なくとも１つを演算する、

ことを特徴とする請求項１５に記載の超音波診断装置。

[17] 前記演算手段は、前記表示された前記１つの断層画像に前記指定された計測画像領域に複数の計測点を指定し、前記一連の断層画像のそれぞれにおける前記複数の計測点のそれぞれの位置を求め、この求められた位置に基づいて前記複数の計測点のそれぞれの時系列に沿った変位又は当該変位の速度を演算し、前記複数の計測点のそれぞれについて前記演算された前記変位又は速度に基づいて前記計測画像領域の変位を演算する、

ことを特徴とする請求項１又は請求項１５に記載の超音波診断装置。

[18] 前記超音波プローブは、２次元的に配列された複数の超音波振動子を備え、

前記送受信手段は、前記複数の超音波振動子を個別に又は２以上のグループ毎に制御して、所定の方向及び当該所定の方向に直交する方向に超音波を走査させる、

ことを特徴とする請求項１又は請求項１５に記載の超音波診断装置。

[19] 超音波診断装置により得られた生体組織の医用画像の画像データを処理する医用画像処理装置であって、

生体組織の２以上の断面位置のそれぞれにおける、時系列に沿った一連の断層画像の画像データを記憶する記憶手段と、

前記２以上の断面位置のそれぞれについて、前記記憶された画像データに基づき、前記一連の断層画像のうちの１つの断層画像を表示する表示手段と、

前記２以上の断面位置のそれぞれについて、前記表示された前記１つの断層画像に計測画像領域を指定する指定手段と、

前記２以上の断面位置のそれぞれについて、前記一連の断層画像の画像データに基づき、前記指定された計測画像領域における前記生体組織の運動の状態を示す局所運動情報を演算するとともに、前記２以上の断面位置のそれぞれについて前記演算された局所運動情報に基づいて、前記生体組織の運動の状態を示す運動情報を演算する演算手段と、

を備え、

前記表示手段は、前記演算手段により演算された前記運動情報を表示する、

ことを特徴とする医用画像処理装置。

[20] 超音波診断装置により得られた生体組織の医用画像の画像データを処理する医用画像処理装置であって、

生体組織の１以上の断面位置のそれぞれにおける、時系列に沿った一連の断層画像の画像データを記憶する記憶手段と、

前記１以上の断面位置のそれぞれについて、前記記憶された画像データに基づき、前記一連の断層画像のうちの１つの断層画像を表示する表示手段と、

前記１以上の断面位置のそれぞれについて、前記表示された前記１つの断層画像に計測画像領域を指定する指定手段と、

前記１以上の断面位置のそれぞれについて、前記一連の断層画像の画像データに基づき、前記指定された計測画像領域における前記生体組織の運動の状態を示す局所運動情報を演算する演算手段と、

を備え、

前記表示手段は、前記演算手段により演算された前記局所運動情報を表示する、

ことを特徴とする医用画像処理装置。

[21] 生体組織の２以上の断面位置のそれぞれにおける、時系列に沿った一連の断層画像の画像データを記憶する記憶手段と、表示手段とを有するコンピュータを、

前記２以上の断面位置のそれぞれについて、前記記憶された画像データに基づき、前記一連の断層画像のうちの１つの断層画像を前記表示手段に表示させるように機能させ、

前記２以上の断面位置のそれぞれについて、前記表示された前記１つの断層画像に計測領域が指定されたことに対応し、前記一連の断層画像の画像データに基づき、前記指定された計測画像領域における前記生体組織の運動の状態を示す局所運動情報を演算するように機能させ、

前記２以上の断面位置のそれぞれについて前記演算された局所運動情報に基づいて、前記生体組織の運動の状態を示す運動情報を演算するように機能させ、

前記演算された前記運動情報を前記表示手段に表示するように機能させる、

ことを特徴とする医用画像処理プログラム。

[22] 生体組織の１以上の断面位置のそれぞれにおける、時系列に沿った一連の断層画像の画像データを記憶する記憶手段と、表示手段とを有するコンピュータを、

前記１以上の断面位置のそれぞれについて、前記記憶された画像データに基づき、前記一連の断層画像のうちの１つの断層画像を前記表示手段に表示させるように機能させ、

前記１以上の断面位置のそれぞれについて、前記表示された前記１つの断層画像に計測画像領域が指定されたことに対応し、前記一連の断層画像の画

像データに基づき、前記指定された計測画像領域における前記生体組織の運動の状態を示す局所運動情報を演算するように機能させ、

前記演算された前記局所運動情報を前記表示手段に表示するように機能させる、

ことを特徴とする医用画像処理プログラム。

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44*bis*)

Applicant's or agent's file reference 98G200351	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/JP2007/000587	International filing date *(day/month/year)* 30 May 2007 (30.05.2007)	Priority date *(day/month/year)* 30 May 2006 (30.05.2006)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant KABUSHIKI KAISHA TOSHIBA		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 *bis*.1(a).

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

   In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

☒	Box No. I	Basis of the report
☐	Box No. II	Priority
☐	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
☐	Box No. IV	Lack of unity of invention
☒	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
☐	Box No. VI	Certain documents cited
☐	Box No. VII	Certain defects in the international application
☐	Box No. VIII	Certain observations on the international application

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44*bis*.3(c) and 93*bis*.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44*bis* .2).

	Date of issuance of this report 10 December 2008 (10.12.2008)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Masashi Honda e-mail: pt08.pct@wipo.int

Form PCT/IB/373 (January 2004)

PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

	Date of mailing *(day/month/year)*
Applicant's or agent's file reference 98G200351	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2007/000587	30.05.2007	30.05.2006

International Patent Classification (IPC) or both national classification and IPC

Applicant
KABUSHIKI KAISHA TOSHIBA

1. This opinion contains indications relating to the following items:

☒	Box No. I	Basis of the opinion
☐	Box No. II	Priority
☐	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
☐	Box No. IV	Lack of unity of invention
☒	Box No. V	Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
☐	Box No. VI	Certain documents cited
☐	Box No. VII	Certain defects in the international application
☐	Box No. VIII	Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will 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 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/JP	Date of completion of this opinion	Authorized officer
Facsimile No.		Telephone No.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2007/000587

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

☐ the translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rule 12.3(a) and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐ a sequence listing

☐ table(s) related to the sequence listing

b. format of material

☐ on paper

☐ in electronic form

c. time of filing/furnishing

☐ contained in the international application as filed

☐ filed together with the international application in electronic form

☐ furnished subsequently to this Authority for the purposes of search

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2007/000587

Box No. V **Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims	1-14, 18, 19, 21	YES
	Claims	15-17, 20, 22	NO
Inventive step (IS)	Claims	1-14, 19, 21	YES
	Claims	15-18, 20, 22	NO
Industrial applicability (IA)	Claims	1-22	YES
	Claims		NO

2. Citations and explanations:

Document 1: JP 2004-313291 A (Toshiba Corp.), 11 November 2004, paragraphs [0027], [0031], [0064]; fig. 8 (Family: none)

Document 2: JP 2006-6933 A (General Electric Co.), 12 January 2006, paragraph [0008] & US 2005/283079 A1 & EP 1609421 A1

(On claims 15 to 17, 20, and 22)

The invention as in claims 15 to 17, 20, and 22 is not novel over document 1.

Document 1 sets forth an invention for an ultrasound diagnosis device including: a displaying means displaying one tomogram out of a series of tomograms of a heart; a specifying means specifying a measurement image region in the displayed tomogram; and a calculating means using the image data of the series of tomograms to calculate local motion information indication the state of heart motion in the specified measurement image region; wherein the displaying means displays the local motion information calculated by the calculating means (see, in particular, paragraphs [0027], [0031], [0064] and fig. 8).

(On claim 18)

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

The invention as in claim 18 does not involve an inventive step over document 1 and document 2.
Document 2 sets forth an invention for an ultrasound diagnosis device for obtaining an ultrasound image of a heart equipped with an ultrasound probe including a plurality of ultrasound oscillators arranged two-dimensionally (see, in particular, paragraph [0008]).

For a person skilled in the art, it would be easy to apply the invention set forth in document 2 to the invention set forth in document 1.

(On claims 1 to 14, 19, and 21)

In the inventions set forth in claims 1 to 14, 19, and 21, the following matter is not set forth in any of the documents cited in the ISR and is not obvious to a person skilled in the art: an ultrasound diagnosis device is equipped with a calculating means calculating, for each of at least two cross-section positions, local motion information indicating the motion state of biomedical tissue in a measurement image region, and using the calculated local motion information to calculate motion information indicating the motion state of the biomedical tissue.

特 許 協 力 条 約

発信人　日本国特許庁（国際調査機関）

代理人
三澤正義
様

あて名
〒160-0023
日本国東京都新宿区西新宿７丁目１５番８号　日販ビル

PCT
国際調査機関の見解書
（法施行規則第40条の2）
〔PCT規則43の2.1〕

発送日 （日.月.年）	２６．０６．２００７
出願人又は代理人 の書類記号　98G200351	今後の手続きについては、下記２を参照すること。

国際出願番号	国際出願日	優先日
PCT／JP2007／000587	（日.月.年）　３０．０５．２００７	（日.月.年）　３０．０５．２００６

国際特許分類（ＩＰＣ）Int.Cl. A61B8/08(2006.01)i

出願人（氏名又は名称）
株式会社　東芝

１．この見解書は次の内容を含む。

- ☑ 第Ⅰ欄　見解の基礎
- ☐ 第Ⅱ欄　優先権
- ☐ 第Ⅲ欄　新規性、進歩性又は産業上の利用可能性についての見解の不作成
- ☐ 第Ⅳ欄　発明の単一性の欠如
- ☑ 第Ⅴ欄　ＰＣＴ規則43の2.1(a)(i)に規定する新規性、進歩性又は産業上の利用可能性についての見解、それを裏付けるための文献及び説明
- ☐ 第Ⅵ欄　ある種の引用文献
- ☐ 第Ⅶ欄　国際出願の不備
- ☐ 第Ⅷ欄　国際出願に対する意見

２．今後の手続き
国際予備審査の請求がされた場合は、出願人がこの国際調査機関とは異なる国際予備審査機関を選択し、かつ、その国際予備審査機関がＰＣＴ規則66.1の2(b)の規定に基づいて国際調査機関の見解書を国際予備審査機関の見解書とみなさない旨を国際事務局に通知していた場合を除いて、この見解書は国際予備審査機関の最初の見解書とみなされる。

この見解書が上記のように国際予備審査機関の見解書とみなされる場合、様式ＰＣＴ／ＩＳＡ／２２０を送付した日から３月又は優先日から２２月のうちいずれか遅く満了する期限が経過するまでに、出願人は国際予備審査機関に、適当な場合は補正書とともに、答弁書を提出することができる。

さらなる選択肢は、様式ＰＣＴ／ＩＳＡ／２２０を参照すること。

３．さらなる詳細は、様式ＰＣＴ／ＩＳＡ／２２０の備考を参照すること。

見解書を作成した日
１３．０６．２００７

名称及びあて先
日本国特許庁（ＩＳＡ／ＪＰ）
郵便番号１００－８９１５
東京都千代田区霞が関三丁目４番３号

特許庁審査官（権限のある職員）　２Ｑ　３７０４
川上　則明
電話番号　０３－３５８１－１１０１　内線　３２９２

国際調査機関の見解書

国際出願番号　ＰＣＴ／ＪＰ２００７／０００５８７

第Ⅰ欄　見解の基礎

1．言語に関し、この見解書は以下のものに基づき作成した。

☑ 出願時の言語による国際出願

☐ 出願時の言語から国際調査のための言語である＿＿＿＿＿＿＿＿語に翻訳された、この国際出願の翻訳文（ＰＣＴ規則12.3(a)及び23.1(b)）

2．この国際出願で開示されかつ請求の範囲に係る発明に不可欠なヌクレオチド又はアミノ酸配列に関して、以下に基づき見解書を作成した。

a．タイプ
☐ 配列表
☐ 配列表に関連するテーブル

b．フォーマット
☐ 紙形式
☐ 電子形式

c．提出時期
☐ 出願時の国際出願に含まれていたもの
☐ この国際出願と共に電子形式により提出されたもの
☐ 出願後に、調査のために、この国際調査機関に提出されたもの

3．☐ さらに、配列表又は配列表に関連するテーブルを提出した場合に、出願後に提出した配列若しくは追加して提出した配列が出願時に提出した配列と同一である旨、又は、出願時の開示を超える事項を含まない旨の陳述書の提出があった。

4．補足意見：

国際調査機関の見解書

国際出願番号　ＰＣＴ／ＪＰ２００７／０００５８７

第Ｖ欄　新規性、進歩性又は産業上の利用可能性についてのＰＣＴ規則43の2.1(a)(i)に定める見解、それを裏付ける文献及び説明

1．　見解

新規性（N）	請求の範囲	１－１４、１８、１９、２１	有
	請求の範囲	１５－１７、２０、２２	無
進歩性（ＩＳ）	請求の範囲	１－１４、１９、２１	有
	請求の範囲	１５－１８、２０、２２	無
産業上の利用可能性（ＩＡ）	請求の範囲	１－２２	有
	請求の範囲		無

2．　文献及び説明

文献１：ＪＰ　２００４－３１３２９１　Ａ（株式会社東芝）２００４．１１．１１，段落［００２７］，［００３１］，［００６４］，図８（ファミリーなし）

文献２：ＪＰ　２００６－６９３３　Ａ（ゼネラル・エレクトリック・カンパニイ）２００６．０１．１２，段落［０００８］
＆　ＵＳ　２００５／２８３０７９　Ａ１
＆　ＥＰ　１６０９４２１　Ａ１

（請求の範囲１５－１７、２０、２２について）

請求の範囲１５―１７、２０、２２に記載される発明は、文献１により、新規性を有しない。

文献１には、心臓の一連の断層画像のうちの１つの断層画像を表示する表示手段と、表示された断層画像に計測画像領域を指定する指定手段と、一連の断層画像の画像データに基づき、指定された計測画像領域における心臓の運動の状態を示す局所運動情報を演算する演算手段と、を備え、前記表示手段は、前記演算手段により演算された前記局所運動情報を表示する超音波診断装置の発明が記載されている（特に、段落［００２７］、［００３１］、［００６４］、図８参照。）。

（請求の範囲１８について）

請求の範囲１８に記載される発明は、文献１と文献２とにより、進歩性を有しない。

文献２には、心臓の超音波画像を取得する超音波診断装置において、２次元的に配列された複数の超音波振動子を備えた超音波プローブを具備する発明が記載されている（特に、段落［０００８］参照。）。

文献１に記載された発明に、文献２に記載された発明を適用することは、当業者にとって自明である。

補充欄

いずれかの欄の大きさが足りない場合

第　Ｖ　欄の続き

（請求項の範囲１－１４、１９、２１について）

請求の範囲１－１４、１９、２１に記載された発明における、超音波診断装置において、２以上の断面位置のそれぞれについて、計測画像領域における生体組織の運動の状態を示す局所運動情報を演算するとともに、前記演算された局所運動情報に基づいて、生体組織の運動の状態を示す運動情報を演算する演算手段を具備する点は、国際調査報告に引用されたいずれの文献にも記載されておらず、当業者にとって自明なものでもない。

UNITED 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.
12/302,506	11/26/2008	Tetsuya Kawagishi	334969US2X PCT	7863

22850 7590 04/13/2011

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER	
RAMIREZ, JOHN FERNANDO	

ART UNIT	PAPER NUMBER
3777	

NOTIFICATION DATE	DELIVERY MODE
04/13/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.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

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of	:	
KAWAGISHI, TETSUYA et al	:	DECISION ON REQUEST
TO		
Application No. 12/302,506	:	PARTICIPATE IN PATENT
Filed: Nov. 26, 2008	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 334969US2X PCT	:	PROGRAM AND PETITION
Title: ULTRASONOGRAPH, MEDICAL IMAGE PROCESSING DEVICE, AND MEDICA IMAGE PROCESSING PROGRAM	: :	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 11, 2011, to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH program and petition to make special require:
(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the KIPO, JPO, EPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

This application will be forwarded and docketed to an examiner for examination commensurate with the petition decision.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. All other inquiries concerning the examination or status of the application should be directed to Robert Chen the SPE of Art Unit 3777 and 571-272-3672for Class 600/433 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

AUG 01 2011

OFFICE OF PETITIONS

GENERAL ELECTRIC COMPANY
GE GLOBAL PATENT OPERATION
2 CORPORATE DRIVE, SUITE 648
SHELTON, CT 06484

In re Application of :
Rory McCrae Tulloch, et al. :
Application No. 12/302,523 : ON PETITION
Filed: November 26, 2008 :
Attorney Docket No.: 235143_9 :

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed July 13, 2011.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before June 20, 2011, as required by the Notice of Allowance and Fee(s) Due mailed March 18, 2011, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on June 19, 2011. A Notice of Abandonment was subsequently mailed on July 8, 2011. On July 13, 2011, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the $1,510 issue fee and the $300[1] publication fee; (2) the petition fee of $1,620; and (3) an adequate statement of unintentional delay.

The application is being referred to the Office of Data Management to be processed into a patent.

Telephone inquires related to this decision 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

[1] The publication fee is being charged to counsel's deposit account as authorized.

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/302,538	11/26/2008	Anna Helgadottir	30847/44317	8169

4743 7590 09/22/2011

MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE
6300 WILLIS TOWER
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EXAMINER	
SHAW, AMANDA MARIE	

ART UNIT	PAPER NUMBER
1634	

NOTIFICATION DATE	DELIVERY MODE
09/22/2011	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):

mgbdocket@marshallip.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 2 2 2011

David A. Gass
MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE
6300 WILLIS TOWER
CHICAGO IL 60606-6357

In re Application of	:
Helgadottir et al	:Decision on Petition
Serial No.:112/302,538	:
Filed: 26 November 2008	:
Attorney Docket No.:30847/44317	:

This letter is in response to the Petition filed on 6 July 2011 under 37 C.F.R. 1.144 requesting that the restriction requirement dated 15 July 2010 be withdrawn and premature final rejection mailed 6 May 2011 be withdrawn.

BACKGROUND

This application was filed in compliance with 37 U.S.C. 371 and as such, will be evaluated for unity of invention under PCT rules.

On 15 July 2010, the examiner required an election between Group 1-4. Within group 1, the examiner required an election of a single specific combination of markers or haplotypes.

On 30 April 2010, applicants elected Group 1 and particular marker "rs10757278" with traverse.

On 23 June 2010, the examiner considered the traversal and made the restriction requirement final. Claims 52, 60-63, 67 and 70 were withdrawn from consideration under 37 CFR 1.142(b).

On 6 May 2011, Claims 1-17, 19, 23, 30-32, 34-37, 43, 47-51 and 66 were examined on the merits and rejected with finality. No prior art rejection was made. Claims 4, 5, 6 and 10 were examined to the extent that they read upon the elected polymorphism (rs10757278). Applicants were required to remove any non-elected subject matter that is not rejoined.

On 6 July 2011, applicants filed a response along with this petition.

DISCUSSION

The application, file history and petition have been considered carefully. The petition raises questions about the lack of unity between Groups 1 and 4, the restriction to a single biomarker, and the finality of the Office action.

First, concerning the lack of unity between Groups 1 and 4 as set forth in the restriction requirement on 15 July 2010, MPEP 1850 is considered to govern lack of unity practice in the instant application, which was filed in compliance with 37 U.S.C. 371. As such, it is agreed that the relationship of Group 1 and Group 4 is one of a given process and an apparatus specifically designed for carrying out said process since the "routine stored on the computer readable memory" is adapted to "analyze marker and/or haplotype information" in a way which corresponds directly to the process of Group 1. As noted in MPEP 1850, this process/apparatus relationship is relevant when "the emphasis is on, and the invention should primarily reside in, the process", which is the case here. Moreover, in the absence of a special technical feature, which in the instant case is currently evidenced by the lack of a prior art rejection over Claim 1, the apparatus is considered to share unity with the apparatus. For these reasons, the restriction requirement between Group 1 and Group 4 is hereby withdrawn; Group 4 will be included in examination along with Group 1.

Second, concerning the propriety of the election of species requirement made between the single polymorphic markers of Group I, in February 2011, the Office issued a Federal Register Notice entitled "Supplemental Examination Guidelines for Determining Compliance with 35 U.S.C. 112 and for treatment of Related Issues in Patent Applications." Page 7166 sets forth guidelines for the treatment of Markush-type claims:

> "Under principles of compact prosecution, the examiner should also require the applicant to elect a species or group of indistinct species for search and examination (i.e., an election of species).52 If the examiner does not find the species or group of indistinct species in the prior art, then the examiner should extend the search to those additional species that fall within the scope of a permissible Markush claim. In other words, the examiner should extend the search to the species that share a single structural similarity and a common use. The improper Markush claim should be examined for patentability over the prior art with respect to the elected species or group of indistinct species, as well as the species that share a single structural similarity and a common use with the elected species or group of indistinct species (i.e., the species that would fall within the scope of a proper Markush claim)."

In view of these new guidelines, the provisional election of species requirement is maintained as appropriate; however, it is not apparent from the record that the Office has considered extending the search to those additional species that fall within the scope of a permissible Markush claim to follow the examination practice for Markush claims.

Relevant claims are set forth below:

> 1. (Previously presented) A method for determining a susceptibility to arterial disease in a human individual, comprising
>
> determining the presence or absence of at least one allele of at least one polymorphic marker in a nucleic acid sample obtained from the individual, wherein the at least one polymorphic marker is selected from the polymorphic marker rs10757278, and polymorphic markers in LD block C09 (SEQ ID NO: 94) in linkage disequilibrium with marker rs10757278, wherein the markers in linkage disequilibrium are correlated with rs10757278 by a value for r^2 of at least 0.5, and
>
> determining a susceptibility to arterial disease from the presence or absence of the at least one allele, wherein the presence of the at least one allele is indicative of a susceptibility to arterial disease.
>
> 6. (Previously presented) The method according to Claim 1, wherein the at least one polymorphic marker is selected from the group consisting of rs1333040, rs10116277, rs2383207 and rs10757278.

Like claim 6, claims 4, 5 and 10 depend upon claim 1 and recite a list of polymorphisms, including the elected one. The Final Office action states that Claims 4, 5, 6 and 10 have been examined to the extent that they read upon the elected polymorphism (rs10757278). Additionally, in the Final Office action, Applicants were required to remove any non-elected subject matter that is not rejoined from the claims. This is not consistent with the practice set forth in MPEP 803.02 and the 9 February 2011 Federal Register Notice. For these reasons, the final Office action is considered premature.

DECISION

Accordingly, the petition under 37 CFR 1.144 is **GRANTED-IN-PART**.

The restriction requirement made between Group 1 and 4 is withdrawn. The election of species requirement is maintained; however, the Markush claims are to be considered according to the practice in MPEP 803.02 and the 9 February 2011 Federal Register Notice.

The finality of the Office action mailed 6 May 2011 has been withdrawn.

The application will be returned to the examiner for preparation of an Office action consistent with this decision which addresses the claims of Group 1 and 4 on the merits. Markush type claims are to be examined in accordance with the 9 February 2011 Federal Register Guidelines and in the guidance in MPEP 803.02.

Should there be any questions regarding this decision, please contact Quality Assurance Specialist Kathleen Bragdon, 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.

Jacqueline Stone
Director, Technology Center 1600

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 03/29/12

TO SPE OF : ART UNIT: 3725 Attn: ROSS DANA (SPE)

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/302549 Patent No.: 7908963

CofC mailroom date: 03/20/2012

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Note: Please check Claims for the requested correction on the PTO/SB/44 Form

Tasneem Siddiqui
Certificates of Correction Branch
703-756-1814 & 703-756-1593

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☒ **Approved**	**All** changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: _____

_____

_____

_____

/Ed Tolan/ 3725

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United States Patent and Trademark Office
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Cantor Colburn LLP - Carrier
20 Church Street, 22nd Floor
Hartford CT 06103

MAILED

OCT 27 2010

PCT LEGAL ADMINISTRATION

In re Application of :
DARDAS, et al. :
Application No.: 12/302,651 :
PCT No.: PCT/US07/12854 :
Int. Filing Date: 31 May 2007 :
Priority Date: 01 June 2006 : DECISION
Attorney Docket No.: PA062.05667U-U75.12 :
For: SYSTEMS AND METHODS FOR :
REMOVAL OF CONTAMINANTS FROM :
FLUID STREAMS :

This decision is in response to applicant's renewed request for status under 37 CFR 1.42 filed 27 September 2010 in the United States Patent and Trademark Office (USPTO). No petition fee is due.

BACKGROUND

On 28 July 2010, applicant was mailed a decision dismissing applicant's request for status under 37 CFR1.42. Applicant was afforded two months to file any request for reconsideration.

On 27 September 2010, applicant filed the response discussed herein.

DISCUSSION

As detailed in the previous decision, 37 CFR 1.42 When the Inventor is Dead, states, in part:

"In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

The decision mailed 28 July 2010 informed applicant that the filed declaration was not in compliance with 37 CFR 1.497(a)-(b) as it did not contain the citizenship of the deceased inventor, Susan D. Brandes. Applicant presently argues that the declaration complies 37 CFR 1.64(b) by providing the citizenship, residence and mailing address of the legal representative and therefor should be accepted. It is noted that this language is mirrored in 37 CFR 1.497(b)(2) for applications entering the U.S. National stage under 35 U.S.C. 371. Applicant's argument is without merit as it does not consider 37 CFR 1.497(a)(3) which states that the oath or declaration

must identify each inventor and the country of citizenship of each inventor.

CONCLUSION

Applicant's renewed petition under 37 CFR 1.42 is **DISMISSED, without prejudice**.

Applicant is hereby afforded **TWO (2) MONTHS** from the mail date of this decision to file an oath or declaration in compliance with 37 CFR 1.497 (a)-(b). Any reconsideration request should include a cover letter entitled, "Renewed Petition Under 37 CFR 1.42." 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.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

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www.uspto.gov

Cantor Colburn, LLP - Carrier
20 Church Street, 22nd Floor
Hartford, CT 06103

MAILED

JAN 26 2011

PCT LEGAL ADMINISTRATION

In re Application of :
DARDAS, et al. :
Application No.: 12/302,651 :
PCT No.: PCT/US2007/012854 : REQUEST FOR STATUS
Int. Filing Date: 31 May 2007 :
Priority Date: 01 June 2006 : UNDER 37 CFR 1.42
Attorney Docket No.:PA062.05667U-U75.12 :
For: SYSTEMS AND METHODS FOR :
REMOVAL OF CONTAMINANTS FROM :
FLUID STREAMS :

On 27 October 2010, applicant was mailed decision dismissing applicant's request for status under 37 CFR 1.42. Applicant was afforded two months to file any intended response.

On 27 December 2010, applicant filed the present response and supplemental declaration. A review of the filed declaration finds that it is in compliance with 37 CFR 1.497(a)-(b) and further to the decision of 27 October 2010, it properly lists all inventors, has been executed by inventors listed on the published international application as well as Leland G. Brandes as legal representative to the estate of deceased inventor, Susan D. Brandes. The declaration sets for the residence, mailing address and citizenship of the legal representative and citizenship of the deceased inventor and it is therefore proper to grant applicant's renewed request for status at this time.

The application has an international filing date of 31 May 2007 under 35 U.S.C. 363 and will be given a date of **27 December 2010** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

UNITED STATES PATENT AND TRADEMARK OFFICE

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MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN VA 22102

MAILED

JAN 27 2012

OFFICE OF PETITIONS

In re Application of
Sebastian Giljohann et al.
Application No. 12/302,682
Filed: October 16, 2009
Attorney Docket No. 246472013200

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 20, 2012.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Jonathan Bockman on behalf of all attorneys/agents associated with customer number 25227. All attorneys/agents associated with customer number 25227 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

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: Lufthansa Technik AG
Weg beim Jäger 193
Hamburg, Germany 22335

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/302,682	10/16/2009	Sebastian Giljohann	246472013200

CONFIRMATION NO. 9244

POWER OF ATTORNEY NOTICE

25227
MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN, VA 22102

OC000000052197553

Date Mailed: 01/25/2012

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/20/2012.

- 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.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/302,722	04/14/2009	Henry Markram	DMB-2590-271	9517

7590 01/20/2011

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER	
CASLER, TRACI	
ART UNIT	PAPER NUMBER
3629	
MAIL DATE	DELIVERY MODE
01/20/2011	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☑ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nimi Farmer

Patent Publication Branch
Office of Data Management

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01 OCT 2010

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

In re Application of CARSON et al	:	
U.S. Application No.: 12/302,738	:	
PCT Application No.: PCT/US2007/009840	:	DECISION
Int. Filing Date: 23 April 2007	:	
Priority Date Claimed: 31 May 2006	:	
Attorney Docket No.: 1133.052US1	:	
For: PURINE ANALOGS	:	

This is in response to applicant's correspondence filed 09 March 2010, which is being treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 23 April 2007, applicant filed international application PCT/US2007/009840, which claimed priority of an earlier United States application filed 31 May 2006. The thirty-month period for paying the basic national fee in the United States expired on 01 December 2008.

On 26 November 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 11 September 2009, 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 oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 09 March 2010, applicant filed the present request for status under 37 CFR 1.42 along with executed declarations.

DISCUSSION

The declaration states that joint inventor Kenji Takabayashi is deceased.

37 CFR 1.42 provides, "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

The declarations fail to state one of the citizenship of the deceased inventor as required by 37 CFR 1.497(a)(3) and the citizenship of the legal representative as required by 37 CFR 1.497(b)(2). Applicant is advised that a single indication of citizenship in a signature box cannot be used for both purposes. Furthermore, the declarations executed by the first four inventors fail to correctly state the name of the fifth inventor as required by 37 CFR 1.497(a)(3).

CONCLUSION

For the reasons above, the request for status under 37 CFR 1.42 is DISMISSED without prejudice.

If reconsideration on the merits of the request is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Request for Status under 37 CFR 1.42".

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.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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P.O. BOX 2938
MINNEAPOLIS, MN 55402

MAILED

JAN 12 2011

PCT LEGAL ADMINISTRATION

In re Application of CARSON et al :
U.S. Application No.: 12/302,738 :
PCT Application No.: PCT/US2007/009840 : DECISION
Int. Filing Date: 23 April 2007 :
Priority Date Claimed: 31 May 2006 :
Attorney Docket No.: 1133.052US1 :
For: PURINE ANALOGS :

This is in response to applicant's renewed request for status under 37 CFR 1.42 filed on 17 December 2010.

BACKGROUND

On 23 April 2007, applicant filed international application PCT/US2007/009840, which claimed priority of an earlier United States application filed 31 May 2006. The thirty-month period for paying the basic national fee in the United States expired on 01 December 2008.

On 26 November 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 11 September 2009, 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 oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 09 March 2010, applicant filed a request for status under 37 CFR 1.42 along with executed declarations.

On 01 October 2010, this Office mailed a decision dismissing the 09 March 2010 request.

On 17 December 2010, applicant filed the instant renewed request for status under 37 CFR 1.42.

DISCUSSION

The declaration states that joint inventor Kenji Takabayashi is deceased.

37 CFR 1.42 provides, "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

The declarations filed on 17 December 2010 are in compliance with 37 CFR 1.42 and 1.497.

CONCLUSION

For the reasons above, the renewed request for status under 37 CFR 1.42 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 23 April 2007, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 17 December 2010.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

MAILED

JUL 25 2011

OFFICE OF PETITIONS

In re Application of	:	
Takeshi Miyaura, et al.	:	
Application No. 12/302,776	:	DECISION GRANTING PETITION
Filed: January 28, 2009	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 0445-0402PUS1	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 22, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on May 27, 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 1786 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web	PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)**
Application Number	12302806
Filing Date	28-Nov-2008
First Named Inventor	Hiroshi Masuda
Art Unit	2883
Examiner Name	BRIAN HEALY
Attorney Docket Number	1204.49406X00
Title	OPTICAL CONNECTING MEMBER AND DISPLAY 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	/Alan E. Schiavelli/
Name	Alan E. Schiavelli
Registration Number	32087

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : December 28, 2011

In re Application of :

Hiroshi Masuda

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12302806

Filed : 28-Nov-2008

Attorney Docket No : 1204.49406X00

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed December 28, 201,1to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 2883 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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11 AUG 2010

OLIFF & BERRIDGE, PLC
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ALEXANDRIA, VA 22320-4850

In re Application of DOUBLET et al	:	
U.S. Application No.: 12/303,018	:	
PCT Application No.: PCT/FR2007/051386	:	
Int. Filing Date: 06 June 2007	:	DECISION
Priority Date Claimed: 06 June 2006	:	
Attorney Docket No.: 139689	:	
For: SAFETY ELEMENT COMPRISING A DETECTABLE DESIGN	:	

This is in response to the correspondence filed 08 December 2009 and 16 April 2010.

BACKGROUND

On 06 June 2007, applicant filed international application PCT/FR2007/051386, which claimed priority of an earlier France application filed 06 June 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 13 December 2007. The thirty-month period for paying the basic national fee in the United States expired on 08 December 2008.

On 01 December 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 15 September 2009, 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 oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 05 November 2009, applicant filed an executed declaration.

On 23 November 2009, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which identified a discrepancy with regard to name of one of the inventors.

On 08 December 2009 applicant filed a response to the 23 November 2009 notification.

On 16 March 2010, this Office mailed a communication which identified a discrepancy with regard to the inventive entity.

On 16 April 2010, applicant filed the instant petition under 37 CFR 1.497(d).

DISCUSSION

A review of the most recent bibliographic data for international application number PCT/FR2007/051386 reveals that Pierre Doublet, Michel Camus, and Ivan Thierry have been removed as inventors. See the Notification of the Recording of a Change (Form PCT/IB/306) mailed 17 August 2009.

The present petition states that inventors Doublet, Camus, and Thierry were removed by mistake in the international application and should be added as inventors.

37 CFR 1.497(d) states,

> If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:
>
> (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
>
> (2) The processing fee set forth in § 1.17(i); and
>
> (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter); and
>
> (4) Any new oath or declaration required by paragraph (f) of this section.

With regard to item (1) above, the requisite statements have been provided.

With regard to item (2) above, the requisite processing fee has been provided.

With regard to item (3) above, written consent of the assignee has been provided. The assignee has established the right to take action in compliance with 37 CFR 3.73(b).

With regard to item (4) above, a new declaration under 37 CFR 1.497(f) is not required.

With regard to the given name of the fourth inventor, applicant's explanation for the mistake in the international application is accepted.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.497(d) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 06 June 2007, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 05 November 2009.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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JASON Y. PHANG AND ASSOCIATES, LLC
12178 BRIDGEND RUN
FAIRFAX, VA 22030

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DEC 06 2010

OFFICE OF PETITIONS

In re Application of :
Min-Whan Seo, et al. :
Application No. 12/303,116 : DECISION GRANTING PETITION
Filed: December 2, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. JU-30554 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed December 6, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on November 29, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2835 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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FEB 24 2011

PCT LEGAL ADMINISTRATION

GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON VA 20191

In re Application of: FUJITA, Takeshi, et al.
U.S. Application No.: 12/303,134
PCT No.: PCT/JP2008/063439
International Filing Date: 25 July 2008
Priority Date: 28 July 2007
Attorney's Docket No.: P35692
For: METHOD AND APPARATUS FOR MANUFACTURING VITREOUS SILICA CRUCIBLE

DECISION
(37 CFR 1.181)

This decision is issued in response to the "Request To Correct Notice Of Acceptance" filed 24 June 2010, treated herein in part as a petition under 37 CFR 1.181 to correct the "Date Of Completion Of All 35 U.S.C. 371 Requirements" listed on the "Notification Of Acceptance" (Form PCT/DO/EO/903). No petition fee is required.

BACKGROUND

On 25 July 2008, applicants filed international application PCT/JP2008/063439. The international application claimed a priority date of 28 July 2007, and it designated the United States. The deadline for submitting the basic national fee was thirty months from the priority date, i.e., 28 January 2010.

On 02 December 2008, applicants filed materials requesting entry into the U.S. national stage. The submission included, among other materials, payment of the basic national fee, a copy of the international application (including an un-translated PCT Request form), an English translation of the description, claims, drawings, and abstract of the international application, an application data sheet (ADS), and an express request to begin national examination procedures pursuant to 35 U.S.C. 371(f).

On 05 February 2009, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO).

On 22 September 2009, applicants filed an executed declaration.

On 10 June 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Acceptance" (Form PCT/DO/EO/903) identifying the "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) Requirements" as 22 September 2009 and the "Date Of Completion Of All 35 U.S.C. 371 Requirements" as 28 January 2010.

On 24 June 2010, applicant filed the "Request To Correct Notice Of Acceptance" considered herein as a petition under 37 CFR 1.181.

DISCUSSION

The present petition requests a corrected Notification Of Acceptance identifying the "Date Of Completion Of All 35 U.S.C. 371 Requirements" as 22 September 2009. MPEP section 1893.03(b), sets forth the criteria for determining the correct "Date Of Completion Of all 35 U.S.C. 371 Requirements" listed on the Notification Of Acceptance as follows:

> The "Date of Completion of all 35 U.S.C. 371 Requirements" included on the NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495 (Form PCT/DO/EO/903) is ... the latest of:
>
> (A) the date of submission of the basic national fee;
>
> (B) the date of submission or communication of the copy of the international application;
>
> (C) the date of submission of the translation of the international application if the international application is not in the English language;
>
> (D) the date of submission of an oath or declaration of the inventor in compliance with 35 U.S.C. 371 (c)(4) (see 37 CFR 1.497(c) for an explanation of when an oath or declaration will be accepted as complying with 35 U.S.C. 371(c)(4));
>
> (E) the earlier of 30 months from the priority date or the date of request for early processing under 35 U.S.C. 371(f) if requested prior to 30 months from the priority date (Form PCT/DO/EO/903 will indicate the date early processing was requested);
>
> (F) if a request for early processing has not been requested prior to 30 months from the priority date, the date of submission of any translation of the annexes to the international preliminary examination report if the translation of the annexes are filed within the time period set in a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring either an English translation of the international application or an oath or declaration; and
>
> (G) the date of submission of any surcharge for submitting the oath or declaration later than 30 months from the priority date.

Pursuant to the above criteria (specifically, element "D"), the appropriate "Date Of Completion Of All 35 U.S.C. 371 Requirements" is 22 September 2009, that is, "the date of submission of an oath or declaration in compliance with 35 U.S.C. 371(c)(4)."[1] Applicant's request for a corrected Notification Of Acceptance identifying the "Date Of Completion Of All 35 U.S.C. 371 Requirements" as 22 September 2009 is therefore appropriately granted.

---

[1] Elements "A," "B," "C," and "E" were all satisfied as of 05 February 2009, and elements "F" and "G" do not apply.

CONCLUSION

The petition to correct the "Date Of Completion Of All 35 U.S.C. 371 Requirements" is **GRANTED**.

The Notification Of Acceptance mailed 10 June 2010, which incorrectly identified the "Date Of Completion Of All 35 U.S.C. 371 Requirements" as 28 January 2010, is hereby **VACATED**.

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, including the issuing of a corrected "Notification Of Acceptance" (Form PCT/DO/EO/903) identifying the "Date Of Completion Of All 35 U.S.C. 371 Requirements" as **22 September 2009**.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/303,189	06/15/2009	Aline Abergel	1003.0003-00000	3344

7590 01/12/2011

O'Brien Jones, PLLC (w/Nony & Partners)
1951 Kidwell Drive
Suite 550 B
Tysons Corner, VA 22182

EXAMINER	
MANAHAN, TODD E	
ART UNIT	PAPER NUMBER
3776	
NOTIFICATION DATE	DELIVERY MODE
01/12/2011	ELECTRONIC

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☑ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Mimi Farmer

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

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2275 DEMING WAY, SUITE 310
MIDDLETON WI 53562

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SEP 1 4 2010

OFFICE OF PETITIONS

In re Application:	:	
Gary D. Glick	:	
Application No. 12/303,272	:	ON PETITION
Filed: May 1, 2009	:	
Attorney Docket No. UM-12030/US-2/PCT	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED.**

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751.

Joan Olszewski
Petitions Examiner
Office of Petitions

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DEC 07 2010

PCT LEGAL ADMINISTRATION

In re Application of FOUGHT et al :
U.S. Application No.: 12/303,328 :
PCT Application No.: PCT/US2007/013192 : DECISION
Int. Filing Date: 05 June 2007 :
Priority Date Claimed: 05 June 2006 :
Attorney Docket No.: 1-50647 :
For: SUSPENSION ACTUATOR FOR A ROLL CONTROL SYSTEM :

This is in response to applicant's petition under 37 CFR 1.47(a) filed on 01 November 2010.

BACKGROUND

On 05 June 2007, applicant filed international application PCT/US2007/013192, which claimed priority of an earlier United States application filed 05 June 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 21 December 2007. The thirty-month period for paying the basic national fee in the United States expired on 05 December 2008.

On 03 December 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 June 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 oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 01 November 2010, applicant filed the present petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2)

factual proof that the missing joint inventors refuse to join in the application or cannot be reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

With regard to item (1) above, applicant has submitted declarations signed by the available inventors each on his/her own behalf and on behalf of the nonsigning inventor.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. . . . It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).
>
> 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 nonsigning 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 nonsigning 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 nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

The petition states that joint inventor Wayne Fought refuses to sign the application papers. The petition adequately demonstrates that a bona fide attempt was made to present a copy of the application papers to inventor Fought for signature and that inventor Fought received such papers (see affidavit of Douglas Pavelko, ¶6). Furthermore, the petition sufficiently illustrates that inventor Fought refuses to sign. In particular, inventor Fought made an express oral refusal to sign during a telephone conversation on 28 October 2010 (see Pavelko affidavit,

¶7). Thus, it can be concluded with reasonable certainty that inventor Fought refuses to join in the application.

With regard to item (3) above, applicant has provided the requisite petition fee.

With regard to item (4) above, the petition states the last known address of the nonsigning inventor.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.47(a) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 05 June 2007, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 01 November 2010.

As set forth in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at the last known address of record and will be published in the *Official Gazette*.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

BryanLin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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Wayne Robert Fought
170 Valley Stone Road
Huntsville, AL 35811

MAILED

DEC 07 2010

PCT LEGAL ADMINISTRATION

In re Application of FOUGHT et al
U.S. Application No.: 12/303,328
PCT Application No.: PCT/US2007/013192
Int. Filing Date: 05 June 2007
Priority Date Claimed: 05 June 2006
For: SUSPENSION ACTUATOR FOR A ROLL CONTROL SYSTEM

Dear Wayne Robert Fought:

You are named as a joint inventor in the above-captioned United States national stage 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 set forth in 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 choose 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.

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Attorney Docket No.: 1-50647

- 9 SEP 2010

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10333 RICHMOND, SUITE 1100
HOUSTON TX 77042

In re Application of	:	
ZHU, Bizhong, et al.	:	
Application No.: 12/303,330	:	DECISION
PCT No.: PCT/US2007/013135	:	
Int. Filing Date: 04 June 2007	:	ON PETITION UNDER
Priority Date: 05 June 2006	:	
Docket No.: 3003.002700	:	37 CFR 1.47(a)
For: DUCTILE MULTILAYER SILICONE RESIN FILMS	:	

This is a decision on applicants' renewed petition under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 12 July 2010.

BACKGROUND

On 13 May 2010, the Office mailed Decision On Petition Under 37 CFR 1.47(a), dismissing applicant's petition without prejudice.

On 12 July 2010, applicants filed this renewed petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Items (1), (2) and (3) were previously satisfied. Applicants state the last known address of inventor Frederick McGarry as 90 Bakers Hill Rd., PO Box 446, Weston, MA 02493-1774.

Item (4) has now been satisfied. The 10 July 2009 declaration and 12 July 2010 declarations, taken together, satisfy 37 CFR 1.497(a)-(b) and 37 CFR 1.47.

CONCLUSION

For the above reasons, applicant's 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 the nonsigning 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 forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including accordation of a 35 U.S.C. §371(c)(1), (c)(2) and (c)(4) date of **12 July 2010**.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

- 9 SEP 2010

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Frederick McGarry
90 Bakers Hill Rd.
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In re Application of
ZHU, Bizhong, et al.
Application No.: 12/303,330
PCT No.: PCT/US2007/013135
Int. Filing Date: 04 June 2007
Priority Date: 05 June 2006
Docket No.: 3003.002700
For: DUCTILE MULTILAYER SILICONE RESIN FILMS

Dear Mr. McGarry:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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MAILED

MAR 21 2011

OFFICE OF PETITIONS

In re Application of

Philippe GUILLAUME.
Application No. 12/303,419
Filed: December 18, 2008
Attorney Docket No. **0509-1130**

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 11, 2011.

The request is **NOT APPROVED**.

The request to withdraw as attorney/agent of record and change of correspondence address is hereby not accepted. Petitioner has not complied with current USPTO requirements, set forth in 37 CFR 10.40 concerning Request for Withdrawal as Attorney and Change of Correspondence Address. Specifically, pursuant to 37 CFR 10.40, the Office will require the practitioner(s) to certify that he, she or they have:

> (1) given reasonable notice to the client, prior to the expiration of the reply period, that the practitioner(s) intends to withdraw from employment;
>
> (2) delivered to the client or duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and
>
> (3) notified the client of any replies that may be due and the time frame within which the client must respond.

Petitioner has not complied with the above certifications. Also, 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.***

Inquires concerning either the examination or status of the application should be directed to the Technology Center at (571) 272-2800. Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

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FITZPATRICK CELLA HARPER & SCINTO
1290 AVENUE OF THE AMERICAS
NEW YORK, NY 10104-3800

MAILED

SEP 21 2010

OFFICE OF PETITIONS

In re Application of
Tetsuo Watanabe
Application No. 12/303,426
Filed: December 4, 2008
Attorney Docket No. 00862.144175.

DECISION GRANTING PETITION
UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 20, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 20, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2882 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

MAILED

JAN 30 2012

OFFICE OF PETITIONS

BAINWOOD HUANG & ASSOCIATES LLC
2 CONNECTOR ROAD
WESTBOROUGH MA 01581

In re Application of
Bokke Johannes FEENSTRA et al.
Application No. 12/303,487
Filed: September 10, 2009
Atty. Docket No.: 1108-008
For: OPTICAL APPARATUS

: DECISION ON REQUEST TO
: PARTICIPATE IN PPH PROGRAM
: AND PETITION TO MAKE SPECIAL
: UNDER 37 CFR 1.102(a)
:

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed December 14, 2011 to make the above-identified application special.

The petition is **GRANTED**.

A grantable request to participate in the PPH (patent prosecution highway) 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 (United Kingdom Intellectual Property Office);

(2) applicant must submit a copy of the allowable/patentable claim(s) from the UKIPO 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 UKIPO application(s);

(4) examination of the U.S. application has not begun;

(5) applicant must submit a copy of all the office actions from each of the UKIPO application(s) containing the allowability/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 UKIPO examiner in the UKIPO 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 Robert DeWitty, Petition Attorney, Office of Petitions at 571-272-8427.

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 Technology Center 2873 for action commensurate with this decision.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

MAILED
APR 11 2012
OFFICE OF PETITIONS

In re Patent No. 8,105,242 :
Issue Date: January 31, 2012 :
Application No. 12/303,504 : DECISION ON PETITION
Filed: December 4, 2008 :
Attorney Docket No. 0033-1248PUS1 :

This is a decision on the "REQUEST UNDER 37 C.F.R. 3.81 TO CORRECT ASSIGNEE INFORMATION", filed March 7, 2012.

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);

(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

[1] See 37 CFR 3.81.

(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 for the instant petition and the $100 fee for the Certificate of Correction is acknowledged.

The application 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

ARENT FOX LLP
1050 CONNECTICUT AVENUE NW,SUITE 400
WASHINGTON, DC 20036

MAILED

DEC 16 2010

OFFICE OF PETITIONS

In re Application of :
Hirofumi ATARASHI, et *al.* :
Application No. 12/303,505 : DECISION GRANTING PETITION
Filed: December 4, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **107439-00228** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed December 15, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on November 19, 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 2834 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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Alexandria, VA 22313-1450
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MAILED
JUL 11 2011
OFFICE OF PETITIONS

EXXONMOBIL UPSTREAM RESEARCH COMPANY
P.O. BOX 2189
(CORP-URC-SW 359)
HOUSTON, TX 77252-2189

Applicant: Burtz, et al.
Appl. No.: 12/303,671
International Filing Date: August 1, 2007
Title: INTERPRETATION AND MAPPING OF ELECTROMAGNETIC SURVEY DATA
Attorney Docket: 2006UR030
Pub. No.: US 2010/0179761 A1
Pub. Date: July 15, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on August 25, 2010, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error wherein an improper abstract was included in the publication.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The error noted by requestor in the publication may be an Office error, but it is not a material Office error under 37 CFR 1.221. The error is not a material Office error because the error does not affect the understanding of the publication. The application is clearly understandable to one of ordinary skill in the art reading the application and claims. The mistake does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication".

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WOOD HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI, OH 45202

MAILED

JUN 13 2011

OFFICE OF PETITIONS

In re Application of :
Thyge Baungaard et al :
Application No. 12/303,699 : DECISION ON PETITION
Filed: May 7, 2010 : TO WITHDRAW
Attorney Docket No. DRAG-08US : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed May 6, 2011.

The request is **APPROVED**.

A review of the file record indicates that John J. Gresens: (1) does not have power of attorney in this patent application; and (2) has been employed or otherwise engaged in the proceedings in this patent application. In view of the present decision, John J. Gresens has been withdrawn from the present application and may not prepare or submit papers under 37 C.F.R. § 1.34, or correspond in any manner in this application unless appointed in an acceptable power of attorney under 37 C.F.R. § 1.32(b).

Telephone inquires concerning this decision should be directed to Irvin Dingle at 571-272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: John J. Gresens
Vedder Price P.C.
222 N. LaSalle Street
Chicago, IL 60601

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	12/303,715	Filing date:	May 20, 2010
First Named Inventor:	Johannes Antonius Hendricus Wilhelmus Gerardus Persoon		
Title of the Invention:	SLIDER BEARING FOR USE WITH AN APPARATUS COMPRISING A VACUUM CHAMBER		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2007/010006

The international filing date of the corresponding PCT application(s) is/are: April 26, 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.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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.:	
First Named Inventor:	

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on September 2, 2009

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on September 2, 2009

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
Claim 1	Claim 1	Reference numbers (11), (20), (21), (30), (31), (1), (50) were deleted
Claim 2	Claim 2	Original
Claim 3	Claim 3	Multiple dependencies in US claims have been deleted; reference numbers (20) and (30) were deleted
Claim 4	Claim 4	Multiple dependencies in US claims have been deleted; reference numbers (20) and (30) were deleted
Claim 5	Claim 5	Multiple dependencies in US claims have been deleted; reference numbers (20) and (30) were deleted
Claim 6	Claim 6	Multiple dependencies in US claims have been deleted; reference numbers (20) and (30) were deleted
Claim 7	Claim 7	Original
Claim 8	Claim 8	Multiple dependencies in US claims have been deleted; reference numbers (20) and (30) were deleted
Claim 9	Claim 9	Original
Claim 10	Claim 10	Multiple dependencies in US claims have been deleted; reference numbers (20) and (30) were deleted
Claim 11	Claim 11	Multiple dependencies in US claims have been deleted; reference number (11) was deleted
Claim 12	Claim 12	Reference number (11) was deleted
Claim 13	Claim 13	Reference number (10) was deleted
Claim 14	Claim 14	The word 'comprises' was added in place of 'takes the form of'
Claim 15	Claim 1	Reference numbers (11), (20), (21), (30), (31), (1), (50) were deleted; claim rewritten in non-Jepson format

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /david griner/	Date March 3, 2011
Name (Print/Typed) David Griner	Registration Number 47614

Attorney Docket No.: FNL0705US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPL. NO.: 12/303,715 Confirmation No.: 8925

APPLICANT: Persoon et al.

FILING DATE: December 5, 2008

TITLE: Slider Bearing for Use with an Apparatus Comprising a Vacuum Chamber

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDED PETITION TO PARTICIPATE IN THE PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

For the Examiner's convenience, Applicants hereby submit a copy of the PCT Publication WO2007/145712 A2, which has claims equivalent to the claims pending in the US Application. All claims were indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application. Applicants also submit an Information Disclosure Statement citing the originally cited reference on the PCT Search Report and Written Opinion.

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence is being transmitted to the US Patent and Trademark Office:

On: March 17, 2011

By: /elizabeth cubberley/
Name: Elizabeth Cubberley
Telephone: (512) 637-0800

Applicants believe that no fees are due at this time. If the Commissioner determines that any additional fees or extensions are required, Applicants request that such extensions be granted and any fees be charged to Deposit Account 50-1635.

Respectfully submitted,

Date: March 17, 2011

By: /david griner/

David Griner
Patent Reg. 47,614
P.O. Box 164140
Austin, Texas 78716-4140
Telephone: (512) 328-9510
Facsimile: (512) 306-1963

UNITED 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.
12/303,715	05/20/2010	Johannes Antonius Hendricus Wilhelmus Gerardus Persoon	FNL0705US	8925

25784 7590 04/12/2011

MICHAEL O. SCHEINBERG
P.O. BOX 164140
AUSTIN, TX 78716-4140

EXAMINER	
KIM, ROBERT H	

ART UNIT	PAPER NUMBER
2881	

MAIL DATE	DELIVERY MODE
04/12/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MICHAEL O. SCHEINBERG
P.O. BOX 164140
AUSTIN TX 78716-4140

In re Application of
PERSOON et al.
Application No.: 12/303,715
Filed: 20 May 2010
Attorney Docket No.: FNL0705US
For: SLIDER BEARING FOR USE WITH AN APPARATUS COMPRISING A VACUUM CHAMBER

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed 03 March 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability

along with an English translation thereof (if not in English);

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

UNITED STATES PATENT AND TRADEMARK OFFICE

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JAN 07 2011

Commissioner for Patents
United States Patent and Trademark Office
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www.uspto.gov

ANNE VACHON DOUGHERTY
3173 CEDAR ROAD
YORKTOWN HTS. NY 10598

PCT LEGAL ADMINISTRATION

In re Application of: KOHARA, Sayuri, et al.
U.S. Application No.: 12/303,804
PCT No.: PCT/JP2007/061481
International Filing Date: 06 June 2007
Priority Date: 08 June 2006
Attorney's Docket No.: JP20060038US1
For: SHEET HAVING HIGH THERMAL CONDUCTIVITY AND FLEXIBILITY

DECISION ON PETITION
(37 CFR 1.182)

This decision is issued in response to the "Petition Under 37 CFR 1.182" filed 15 November 2010. Applicants have paid $130 as the petition fee; however, the applicable petition fee is $400. Deposit Account No. 50-0510 will be charged the additional $270 required to complete the applicable petition fee.

BACKGROUND

On 06 June 2007, applicants filed international application PCT/EP2007/053947. The application claimed a priority date of 08 June 2006, and it designated the United States. On 13 December 2007, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 08 December 2008. The published international application identified the first inventor as Sayuri KOHARA and the third inventor as Yohichi TAIRA.

On 08 December 2008, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee, an English translation of the international application, and an application data sheet (ADS). The ADS identified the first inventor as Hada Sayuri KOHARA and the third inventor as Yoichi TAIRA.

On 14 June 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 oath or declaration in compliance with 37 CFR 1.497.

On 14 July 2010, applicants filed a response to the Notification Of Missing Requirements that included an executed declaration document.

On 21 July 2010, the DO/EO/US issued a "Notification Of Defective Response (Form PCT/DO/EO/916) indicating that the declaration filed 14 July 2010 was not acceptable because it appeared to be a compilation of multiple documents.

On 20 August 2010, applicants filed complete copies of the individual declarations executed by the inventors.

On 21 July 2010, the DO/EO/US issued a second "Notification Of Defective Response (Form PCT/DO/EO/916) indicating that the declaration filed 20 August 2010 was not acceptable because the first inventor's name on the declaration (Sayuri HADA) was not consistent with this inventor's name of record (Sayuri KOHARA).[1]

On 15 November 2010, applicants filed the "Petition Under 37 CFR 1.182" considered herein (with required three-month extension fee). The petition requests that the name of record for the first inventor be corrected from Sayuri KOHARA to her married name, Sayuri HADA, as listed on the declaration filed 20 August 2010.

DISCUSSION

Section 1893.01(e) of the Manual Of Patent Examining Procedure ("MPEP") states the following:

> Where ... the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c). However, where the discrepancy between the name of the inventor indicated in the international application during the international phase and the name of the inventor as it appears in the oath or declaration submitted under 37 CFR 1.497 is the result of a typographical or transliteration error, then a petition under 37 CFR 1.182 will not be required. In such case, the Office should simply be notified of the error.

The present petition indicates that the name of the first inventor has changed as a result of marriage. Accordingly, a grantable petition under 37 CFR 1.182 is required before the declaration identifying her by her new name may be accepted.

Pursuant to MPEP section 605.04(c), a grantable petition under 37 CFR 1.182 requires payment of the required petition fee and "a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a copy of the court order." Applicants' present petition includes the required petition fee and an explanation from counsel that the inventor's name has changed as a result of marriage. However, the petition does not include the required "statement signed by the inventor" or "copy of the court order." Applicants have therefore failed to provide all the requirements of a grantable petition to change the name of record of the first inventor from Sayuri KOHARA to Soyuri HADA.

---

[1] The Notification also indicates that the declaration contain non-initialed, non-dated hand written alterations. However, on review, it appears that the only hand-written alterations on the declaration related to the order of the first inventor's name, and these changes were initialed and dated by the signing inventor.

Based on the above, the name of record for the first inventor remains Sayuri KOHARA. The declaration filed on 20 August 2010, which identifies this inventor as Sayuri HADA, therefore remains defective for failure to properly identify the inventors of record herein.

It is also noted that the first name of the third inventor as listed on the declaration (Yoichi) differs from this inventor's name of record (Yohichi). This would appear to be the result of a typographical or transliteration error and, if so, would not require correction via a petition under 37 CFR 1.182 or a revised declaration. However, before the declaration may be accepted, applicants are required to confirm the correct spelling of the third inventor's name and state that the discrepancy in the name resulted from a typographical or transliteration error.

Finally, it is suggested that any renewed petition be accompanied by a supplemental ADS containing the correct names for the inventors. See MPEP section 605.04(c): "Applicants are also strongly encouraged to submit an application data sheet (37 CFR 1.76) showing the new name. ... If an application data sheet is not submitted, the petition may still be granted, but the patent may not reflect the correct spelling of the inventor's name."

CONCLUSION

Applicants' petition under 37 CFR 1.82 to change the name of the first inventor is **DISMISSED** without prejudice.

If applicants seek reconsideration on the merits, a request for reconsideration must be filed within **TWO (2) MONTHS** of the mail date of this decision. Any such submission should include a cover letter entitled "Renewed Petition Under 37 CFR 1.182" and the materials necessary to satisfy the outstanding requirement of a grantable petition under 37 CFR 1.182, that is, the required statement signed by the first inventor (or a copy of the relevant court order) confirming the change of this inventor's name from Sayuri KOHARA to Soyuri HADA. Applicants must also provide a statement confirming the correct spelling of the third inventor's first name and that the discrepancy in this inventor's name cited above resulted from a typographical or transliteration error.

Extensions of time are available under 37 CFR 1.136(a). Failure to file a proper and timely response will result in abandonment of the application.

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.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

APR 21 2011

PCT LEGAL ADMINISTRATION

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ANNE VACHON DOUGHERTY
3173 CEDAR ROAD
YORKTOWN HTS. NY 10598

In re Application of:	:	
HADA, Sayuri, et al.	:	DECISION ON RENEWED
U.S. Application No.: 12/303,804	:	PETITION UNDER
PCT No.: PCT/JP2007/061481	:	37 CFR 1.182
International Filing Date: 06 June 2007	:	
Priority Date: 08 June 2006	:	
Attorney's Docket No.: JP20060038US1	:	
For: SHEET HAVING HIGH THERMAL CONDUCTIVITY AND FLEXIBITY	:	

This decision is issued in response to applicants' "Renewed Petition Under 37 CFR 1.182" filed on 04 March 2011. Applicants have previously paid the required petition fee.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed on 07 January 2011. The decision dismissed without prejudice applicants' petition under 37 CFR 1.182 to correct the first inventor's name of record, finding that applicants had not provided all the requirements of a grantable petition. Specifically, the petition did not include the required statement from the inventor whose name was to be changed. The decision also stated that clarification was required with respect to the disparity between the third inventor's name of record (Yohichi TAIRA) and the name for this inventor listed on the declaration filed herein (Yoichi TAIRA).

On 04 March 2011, applicants filed the "Renewed Petition Under 37 CFR 1.182" considered herein.

DISCUSSSION

The renewed petition includes the required statement from inventor Sayuri HADA confirming her correct name and stating that her name was changed from her previous name, Sayuri KOHARA, to her current name, Sayuri HADA, as the result of marriage. This statement satisfies the final requirement for a grantable petition under 37 CFR 1.182 to correct the first inventor's name of record from Sayuri KOHARA to Sayuri HADA.

The renewed petition also confirms that the correct name of the third inventor is Yoichi TAIRA, as set forth on the declaration filed herein, and it states that the erroneous listing of this

inventor's name as Yohichi TAIRA on the international application was the result of a typographical error.

CONCLUSION

Applicants' renewed petition under 37 CFR 1.182 to change the name of record for the first inventor from Sayuri KOHARA to Sayuri HADA is **GRANTED**.

In addition, the name of record of the third inventor is accepted as Yoichi TAIRA, as set forth on the declaration and ADS filed herein.

The complete copies of the executed declarations filed on 20 August 2010 are now acceptable in compliance with 37 CFR 1.497.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 20 August 2010.

/RichardMRoss/

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UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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CHOATE, HALL & STEWART LLP
TWO INTERNATIONAL PLACE
BOSTON MA 02110

MAILED

DEC 06 2010

OFFICE OF PETITIONS

In re Application of :
Ciaran BRADLEY :
Application No. 12/303,878 : DECISION ON PETITION
Filed: December 8, 2008 : TO WITHDRAW
Attorney Docket No. 2006982-0020 (MGT-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 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

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

MAILED

JAN 19 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION
WAINOHU et al.	:	
Application No.: 12/303,889	:	
PCT No.: PCT/NZ2007/000143	:	
Int. Filing Date: 08 June 2007	:	
Priority Date: 09 June 2006	:	
Attorney Docket No.: 4506-1068	:	
For: DEVICE AND METHOD FOR TYING A KNOT	:	

This decision is in response to applicants' submission filed 15 October 2010 which includes a petition under 37 CFR 1.497(d) and a petition under 37 CFR 1.47(a).

BACKGROUND

On 08 June 2007, applicants filed international application PCT/NZ2007/000143, which designated the United States and claimed a priority date of 09 June 2006. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 13 December 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 09 December 2008.

On 08 December 2008, applicants 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 15 June 2010, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 21 May 2010, applicants filed a submission including a petition/fee for a two-month extension of time, a declaration of inventors, a petition under 37 CFR 1.47(a), and a petition under 37 CFR 1.497(d).

DISCUSSION

Petition Under 37 CFR 1.497(d)

37 CFR 1.497(d), provides:

> (d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92*bis* subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:
>
> (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
>
> (2) The processing fee set forth in Sec. 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 Sec. 3.73(b) of this chapter); and
>
> (4) Any new oath or declaration required by paragraph (f) of this section.

Items (1)-(3) have been met and item (4) is not required.

Petition Under 37 CFR 1.47(a)

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Items (1), (3), and (4) have been met.

Item (2) has not been met. MPEP § 409.03(d), item I 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 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.

The declaration of facts by Donald Rivers Ensor has been considered. In paragraph 3, Mr. Ensor refers to internet searches. However, copies of these searches have not been provided. In paragraph 6, Mr. Ensor indicates that he personally searched through the paper copies of the entire New Zealand Electoral Rolls and failed to find an entry for non-signing inventor Warren Verndell WAINOHU. However, it is unclear what names are included in the New Zealand Electoral Rolls. For example, the Rolls may only include registered voters. Clarification is required. In paragraph 4, Mr. Ensor refers to other people, Mrs. G. Reaney and Mr. K. Patterson, who have also purportedly attempted to locate Mr. WAINOHU. It is unclear whether these persons have had any success in their attempts.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.497(d) is **GRANTED**.

For the reasons set forth above, 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. **Failure to timely file the proper response will result in abandonment of this application.** 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.

/Daniel Stemmer/

Daniel Stemmer
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JUN 21 2011

PCT LEGAL ADMINISTRATION

YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria VA 22314

In re Application of	:	DECISION
WAINOHU et al.	:	
Application No.: 12/303,889	:	
PCT No.: PCT/NZ2007/000143	:	
Int. Filing Date: 08 June 2007	:	
Priority Date: 09 June 2006	:	
Attorney Docket No.: 4506-1068	:	
For: DEVICE AND METHOD FOR TYING A KNOT	:	

This decision is in response to applicants' renewed petition under 37 CFR 1.47(a) filed 19 April 2011. The petition is **GRANTED**.

BACKGROUND

On 08 June 2007, applicants filed international application PCT/NZ2007/000143, which designated the United States and claimed a priority date of 09 June 2006. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 13 December 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 09 December 2008.

On 08 December 2008, applicants 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 15 June 2010, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 15 October 2010, applicants filed a submission including a petition/fee for a two-month extension of time, a declaration of inventors, a petition under 37 CFR 1.47(a), and a petition under 37 CFR 1.497(d).

On 19 January 2011, a decision was issued granting applicants' petition under 37 CFR 1.497(d) and dismissing without prejudice applicants' petition under 37 CFR 1.47(a).

On 19 April 2011, applicants filed the instant renewed petition under 37 CFR 1.47(a) which was accompanied by a petition/fee for a one-month extension of time and a declaration of facts by Donald Rivers Ensor with documentation in support thereof.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

As noted in the decision issued 19 January 2011, items (1), (3), and (4) have been met.

Item (2) has now been met as well. It has been established that non-signing inventor Warren Verndell WAINOHU cannot be reached after diligent effort.

CONCLUSION

For the reasons set forth above, 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 of the non-signing inventors at their respective 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 forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including the accordation of a 35 U.S.C. §§371(c)(1), (c)(2), and (c)(4) date and a 35 U.S.C. 371 date of **15 October 2010** in the names of Warren Verndell WAINOHU, Keith BLENKINSOPP, and Michael Edward MENHINICK.

/Daniel Stemmer/

Daniel Stemmer
PCT Legal Examiner

PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

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JUN 21 2011

PCT LEGAL ADMINISTRATION

Mr. Warren Verndell Wainohu
c/o 306 Titirangi Road
Titirangi, Auckland 0604
New Zealand

In re Application of
WAINOHU et al.
Application No.: 12/303,889
PCT No.: PCT/NZ2007/000143
Int. Filing Date: 08 June 2007
Priority Date: 09 June 2006
Attorney Docket No.: 4506-1068
For: DEVICE AND METHOD FOR TYING A KNOT

Dear Mr. Wainohu:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Daniel Stemmer/

Daniel Stemmer
PCT Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria VA 22314

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 06/21/11

TO SPE OF : ART UNIT 3711

SUBJECT : Request for Certificate of Correction for Appl. No.: 12303962 Patent No.: 7942751

CofC mailroom date: 06/17/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580
[redacted]

Note: Drawings

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

XApproved	**All** changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: _____

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

/Gene Kim/ SPE 3711

SPE Art Unit

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Alexandria, VA 22313-1450
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TAFT, STETTINIUS & HOLLISTER LLP
SUITE 1800
425 WALNUT STREET
CINCINNATI OH 45202-3957

MAILED

MAY 19 2011

PCT LEGAL ADMINISTRATION

In re Application of :
RICHARDSON, et al. :
U.S. Application No.: 12/303,977 :
PCT No.: PCT/GB2007/002234 : DECISION ON PETITION
Int. Filing Date: 15 June 2007 :
Priority Date: 16 June 2006 : UNDER 37 CFR 1.137(b)
Attorney's Docket No.: MUR07-GN014 :
For: METHOD AND APPARATUS FOR :
PROCESSING IMAGE DATA :

This decision is in response to applicant's petition to revive under 37 CFR 1.137(b) filed 26 April 2011 in the above-captioned application. The petition is hereby **DISMISSED** as follows:

37 CFR 1.137(b) permits the filing of a petition to revive an abandoned application where the abandonment resulted from an unintentional delay. A grantable petition under this section must include: (1) the required reply, unless previously filed; (2) the petition fee required by law; (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional;" and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c). Applicant has satisfied items (2)-(3). It is noted that item (4) does not apply to the present application.

As to item (1), the proper reply was the submission of a compliant oath or declaration under 37 CFR 1.497(a)-(b). A review of the submitted declaration executed by the first inventor, Iain Edward Richardson finds that it does not list the other inventors identified on the application. As such, it is not possible to grant applicant's petition to revive at this time.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." No additional petition fee is required.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

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JUL 26 2011

PCT LEGAL ADMINISTRATION

TAFT, STETTINIUS & HOLLISTER LLP
SUITE 1800
425 WALNUT STREET
CINCINNATI OH 45202-3957

In re Application of :
RICHARDSON, et al. :
U.S. Application No.: 12/303,977 :
PCT No.: PCT/GB2007/002234 : DECISION ON PETITION
Int. Filing Date: 15 June 2007 :
Priority Date: 16 June 2006 : UNDER 37 CFR 1.137(b)
Attorney's Docket No.: MUR07-GN014 :
For: METHOD AND APPARATUS FOR :
PROCESSING IMAGE DATA :

The renewed petition to revive under 37 CFR 1.137(b) filed 30 June 2011 in the above-captioned application is hereby **GRANTED** as follows:

Applicant previously provided a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided a compliant, executed declaration of the inventors. 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. Further, a review of the application file reveals that all of the requirements of 35 U.S.C. 371 for entry into the national stage in the United States have been satisfied.

The application has an international filing date of 15 June 2007 under 35 U.S.C. 363 and will be given a date of **30 June 2011** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision.

Derek A. Putonen
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Office of PCT Legal Administration
Tel: (571) 272-3294

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Darby & Darby P.C.
P.O. Box 770
Church Street Station
New York, NY 10008-0770

MAILED

DEC 2 1 2010

PCT LEGAL ADMINISTRATION

In re Application of:
NIKLEWSKI et al.
Application No. 12/303,992
PCT No.: PCT/BR2007/000176
Int. Filing Date: 04 July 2007
Priority Date: 05 July 2006
Attorney Docket No.: 06290/0210903-US0
For: MECHANICAL VIBRATOR HAVING ECCENTRIC MASSES

DECISION ON PETITION
UNDER 37 CFR 1.59

This decision is issued in response to applicant's "Petition to Remove" dated 30 July 2010, treated herein as a petition under 37 CFR 1.59 to expunge information from the above-identified application. The petition fee has been charged to counsel's deposit account listed in the present petition.

The petition under 37 CFR 1.59 is GRANTED.

Petitioner states in the present petition that "[o]n June 15, 2010, a Response to the Notice to File Missing Parts mailed March 15, 2010 in connection with U.S. Patent Application no. 12/063,323 was erroneously filed electronically into the image file wrapper (IFW) of the instant application. . . . Applicant respectfully requests that the Response be removed from the Image File Wrapper (IFW) of the instant application." Petitioner's request is being treated as a petition to expunge under 37 CFR 1.59.

Upon a showing satisfactory to the Director, information, other than that forming part of the original disclosure, may be expunged from an application. Since the Office can determine the correct application file for which the erroneously filed papers were intended from the other identifying information on the papers, the papers will be removed as requested.

In a paper file, the unintentionally submitted papers could, but necessarily would, have been physically removed from the file wrapper and returned to applicant; in the IFW realm the corresponding action(s) is to close the document and also remove such from the listing of "Public[ly available] Documents." It is agreed that it would be appropriate in this instance to close the 15 June 2010 Response to the Notice to File Missing Parts in the above identified application, and also remove such from the listing publicly available documents for this Image File Wrapper (IFW).

As a condition of this favorable treatment, petitioner is required to maintain the material in question during the enforceable life of any patent arising from this application, or any patent claiming benefit of this application.

In view of the above, the Notification of Missing Requirements mailed 02 June 2010 and the Notification of Defective Response mailed 23 June 2010 are hereby VACATED.

Additionally, on 15 June 2010, petitioner requests a refund in the amount of $641.00. Pursuant to 37 CFR 1.26, any fee paid by actual mistake or in excess of that required will be refunded. As stated in the present refund request, the $641.00 was submitted in this application by virtue of an inadvertent error. Therefore, deposit Account No. 06-1050 has been credited with a refund of $641.00, as requested.

The file does not indicate a change of correspondence 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.

This application is being returned to the United States/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298

cc: Fish and Richardson
P.O. Box 1022
Minneapolis, MN 55440-1022

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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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ALEXANDRIA, VA 22313-1450
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NOVARTIS VACCINES AND DIAGNOSTICS INC.
INTELLECTUAL PROPERTY- X100B
P.O. BOX 8097
EMERYVILLE, CA 94662-8097

MAILED
APR 26 2011
PCT LEGAL ADMINISTRATION

In re Application of MAIONE et al :
U.S. Application No.: 12/304,018 :
PCT Application No.: PCT/IB2007/004640 :
Int. Filing Date: 11 June 2007 : DECISION
Priority Date Claimed: 09 June 2006 :
Attorney Docket No.: PAT051983-US-PCT :
For: CONFORMERS OF BACTERIAL :
ADHESINS :

This is in response to applicant's correspondence filed 29 September 2010, which is being treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 11 June 2007, applicant filed international application PCT/IB2007/004640, which claimed priority of an earlier United States application filed 09 June 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 12 March 2009. The thirty-month period for paying the basic national fee in the United States expired on 09 December 2008.

On 09 December 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 11 November 2009, applicant filed a petition under 37 CFR 1.497(d) along with an executed declaration.

On 16 July 2010, this Office mailed a decision granting the 11 November 2009 petition.

On 29 July 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 a new declaration is required.

On 29 September 2010, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

Page two of the declaration filed 11 November 2009 indicates that two additional forms are attached. The present petition states that such indication was due to a clerical error. The practitioner's statement is construed as meaning that the submitted two pages comprise the entire declaration that was presented to and executed by the inventors. If this assumption is incorrect, applicant is required to immediately notify the Office. As construed, petitioner's explanation for the mistake is accepted.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is GRANTED.

The portion of the Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) which stated that the fourth inventor is not listed in the international application is hereby VACATED.

The application has an International Filing Date under 35 U.S.C. 363 of 11 June 2007, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 11 November 2009.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

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

CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON, MA 02110

MAILED
AUG 16 2011
OFFICE OF PETITIONS

Applicant: Cuypers, et al.
Appl. No.: 12/304,047
International Filing Date: June 11, 2007
Title: TREATMENT OF CNIDARIA INTOXICATION
Attorney Docket No.: 50304/204001
Pub. No.: US 2010/0234454 A1
Pub. Date: September 16, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on November 15, 2009, for the above-identified application.

Applicant requests that the application be republished because the patent application publication contains material errors in the specification wherein, some terms and chemical structures have typographical errors and wherein some structures are missing.

The request is dismissed.

37 CFR 1.221 (b) is applicable: "only when the Office makes a **material mistake** which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable" A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The errors noted by requestor are not material Office errors under 37 CFR .1221(b). The errors in the specification are not material Office errors because the specification was correctly published in the PCT application as WO 2007/140551. The misprint does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. The error also does not affect the use of the patent application publication as a prior art reference.

[1]Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

Applicant is advised that he may want to file application papers that are clearer, as many of the errors are due to the quality of the text. The text is small, which makes it difficult to read and to electronically reproduce by digital imaging and optical character recognition. Applicants have been advised to file applications having cleaner and larger text with sufficient clarity and contrast to permit reproduction, such as electronic reproduction by digital imaging and optical character recognition, which will avoid errors in the patent application publication process. See 37 CFR 1.52 and PCT Rule 11.9(d)(1).

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication."

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CHOATE, HALL & STEWART LLP
TWO INTERNATIONAL PLACE
BOSTON MA 02110

MAILED

DEC 10 2010

OFFICE OF PETITIONS

In re Application of	:	
Craib et al.	:	DECISION ON PETITION
Application No. 12/304,091	:	TO WITHDRAW
Filed: June 24, 2009	:	FROM RECORD
Attorney Docket No. 2006982-0021 (MGT-021)	:	

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 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 appointed via Customer Number. Therefore, a request to withdraw cannot be approved without providing the appropriate Customer Number.

Further, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor.

The Office will not change the correspondence address to that of a new practitioner unless the Request is accompanied by a power of attorney to a new practitioner (e.g., Form PTO/SB/82). This includes address changes to law firms, where no new power of attorney has been filed in the application. If the applicants wish future correspondence to be mailed to a new law firm, a new power of attorney should be submitted in the application and should include the desired change of correspondence address.

All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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PERKINS COIE LLP
P.O. BOX 1208
SEATTLE, WA 98111-1208

MAILED

MAR 21 2011

OFFICE OF PETITIONS

In re Application of

James Murphy, et al.
Application No. 12/304,100
Filed: August 6, 2010
Attorney Docket No. 43390-8043.US01

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 9, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Brian R Coleman on behalf of all attorneys of record who are associated with customer No. 22918. All attorneys/agents associated with the Customer Number 22918 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There 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: TRAPEZE NETWORKS, INC.
C/O JUNIPER NETWORKS, INC
1194 NORTH MATHILDA AVENUE
SUNNYVALE, CA 94089-1206

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/304,100	08/06/2010	James Murphy	43390-8043.US01

CONFIRMATION NO. 2135

POWER OF ATTORNEY NOTICE

22918
PERKINS COIE LLP
P.O. BOX 1208
SEATTLE, WA 98111-1208

OC000000046665207

Date Mailed: 03/18/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/09/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/304,185	02/04/2009	Takanobu Kamiya	082639	3316

38834 7590 02/07/2011

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON, DC 20036

EXAMINER	
TYLER, CHERYL JACKSON	

ART UNIT	PAPER NUMBER
3744	

NOTIFICATION DATE	DELIVERY MODE
02/07/2011	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):

patentmail@whda.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON DC 20036

In re Application of:
KAMIYA, TAKANOBU et al
Serial No.: 12/304,185
Filed: Dec. 10, 2008
Docket: 082639
Title: LOW-TEMPERATURE-SLUSH-FLUID PRODUCING APPARATUS

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::
:
::

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY (PPH) AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed Feb. 2, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more corresponding application(s) filed in the JPO or to a PCT application that does not contain any priority claim, or the U.S. application must be a national stage entry of a PCT application that does not contain any priority claim;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application. Currently, the application is undergoing pre-examination processing. Upon completion, this application will be forwarded to an examiner for examination.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. All other inquiries concerning the examination or status of the application should be directed to Cheryl Tyler, SPE of Art Unit 3744, and 571-272-4834 for Class 62/54 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	12/304,195	Filing date:	December 10, 2008 (371(c) date)
First Named Inventor:	Arnaud Soubeiran		
Title of the Invention:	INTRABODY DISTRACTION DEVICE WITH A SCREW WORKING IN TRACTION		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/FR2007/000950

The international date of the corresponding PCT application(s) is/are: June 8, 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.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	12/304,195-Conf. #3407
First Named Inventor:	Arnaud Soubeiran

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 12/10/2008

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on 12/10/2008

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Identical (as translated)
2	2	"
3	3	"
4	4	"
5	5	"
6	6	"
7	7	"

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /SCOTT E. KAMHOLZ/	Date March 29, 2011
Name (Print/Typed) Scott E. Kamholz	Registration Number 48543

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/304,195	12/10/2008	Arnaud Soubeiran	DBK-003.01	3407

25181 7590 03/31/2011

FOLEY HOAG, LLP
PATENT GROUP, WORLD TRADE CENTER WEST
155 SEAPORT BLVD
BOSTON, MA 02110

EXAMINER	
COTRONEO, STEVEN J	

ART UNIT	PAPER NUMBER
3733	

NOTIFICATION DATE	DELIVERY MODE
03/31/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Patent@foleyhoag.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FOLEY HOAG, LLP
PATENT GROUP, WORLD TRADE CENTER WEST
155 SEAPORT BLVD
BOSTON MA 02110

In re Application of	:	
SOUBEIRAN, ARNAUD	:	DECISION ON REQUEST TO
Application No. 12/304,195	:	PARTICIPATE IN PATENT
Filed: Dec. 10, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. DBK-003.01	:	PILOT PROGRAM AND PETITION
For: DEVICE FOR INTRABODY EXTENSION WITH SCREWS WORKING IN TRACTION	:	TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed March 29, 2010 to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH program and petition to make special require:
(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the JPO, EPO, KIPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

All other inquiries concerning the examination or status of the application should be directed to Eduardo Robert, the SPE of Art Unit 3733 and (571)272-4719 for Class 606/63 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

This application will be forwarded and docketed to an examiner for action on the merits commensurate with this decision.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

The petition is **granted.**

/Henry C. Yuen/

_____

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1122B
4417 LANCASTER PIKE
WILMINGTON, DE 19805

MAILED
OCT 18 2010
PCT LEGAL ADMINISTRATION

In re Application of WANG et al
U.S. Application No.: 12/304,218
PCT Application No.: PCT/US2007/013963
Int. Filing Date: 13 June 2007
Priority Date Claimed: 16 June 2006
Attorney Docket No.: EL0673USPCT
For: IMPROVED PROCESS FOR PRESSURELESS CONSTRAINED SINTERING OF LOW TEMPERATURE CO-FIRED CERAMIC WITH SURFACE CIRCUIT PATTERNS

DECISION

This is in response to applicant's "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 17 August 2010, which is also being treated as a request for status under 37 CFR 1.43.

BACKGROUND

On 13 June 2007, applicant filed international application PCT/US2007/013963, which claimed priority of an earlier United States application filed 16 June 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 27 December 2007. The thirty-month period for paying the basic national fee in the United States expired on 16 December 2008.

On 10 December 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 12 August 2009, 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 oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 14 October 2009, international application PCT/US2007/013963 became abandoned as to the United States for failure to timely respond to the Notification of Missing Requirements.

On 17 August 2010, applicant filed the present petition under 37 CFR 1.137(b) and request for status under 37 CFR 1.43.

DISCUSSION

I. Petition under 37 CFR 1.137(b)

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment 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 was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

II. Request for Status under 37 CFR 1.43

The declaration filed on 17 August 2010 states that joint inventor Carl Wang is legally incapacitated.

37 CFR 1.43 states, "In case an inventor is insane or otherwise legally incapacitated, the legal representative (guardian, conservator, etc.) of such inventor may make the necessary oath or declaration, and apply for and obtain the patent."

37 CFR 1.497(b)(2) states,

> If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or § 1.47), the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence and mailing address of the legal representative.

The declaration filed on 17 August 2010 is in compliance with 37 CFR 1.43 and 1.497(b)(2).

CONCLUSION

For the reasons set forth in §I above, the petition under 37 CFR 1.137(b) is GRANTED.

For the reasons set forth in §II above, the request for status under 37 CFR 1.43 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 13 June 2007, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 17 August 2010.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference	FOR FURTHER ACTION	See Form PCT/IPEA/416
Wa 10584-S		
International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/EP2007/054981	23.05.2007	13.06.2006
International Patent Classification (IPC) or national classification and IPC		
C14C9/02		
Applicant		
WACKER CHEMIE AG		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
   a. ☒ *(sent to the applicant and to the International Bureau)* a total of 5 sheets, as follows:
      ☒ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
      ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
   b. ☐ *(sent to the International Bureau only)* a total of (indicate type and number of electronic carrier(s))

      _____, containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items:
   - ☒ Box No. I Basis of the report
   - ☐ Box No. II Priority
   - ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
   - ☐ Box No. IV Lack of unity of invention
   - ☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
   - ☐ Box No. VI Certain documents cited
   - ☐ Box No. VII Certain defects in the international application
   - ☐ Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP Facsimile No.	Authorized officer Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/EP2007/054981

Box No. I Basis of the report

1. With regard to the **language**, this report is based on:

☒ the international application in the language in which it was filed

☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of:

☐ international search (Rules 12.3(a) and 23.1(b))

☐ publication of the international application (Rule 12.4(a))

☐ international preliminary examination (Rule 55.2(a) and/or 55.3(a))

2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

☐ the international application as originally filed/furnished

☒ the description:

pages 1-18 as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

☒ the claims:

nos. _____ as originally filed/furnished

nos.* _____ as amended (together with any statement) under Article 19

nos.* 1-10 received by this Authority on 30.01.2008 with letter of 29.01.2008

nos.* _____ received by this Authority on _____

☐ the drawings:

sheets _____ as originally filed/furnished

sheets* _____ received by this Authority on _____

sheets* _____ received by this Authority on _____

☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages _____

☐ the claims, nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing *(specify)*: _____

☐ any table(s) related to sequence listing *(specify)*: _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages _____

☐ the claims, nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing *(specify)*: _____

☐ any table(s) related to sequence listing *(specify)*: _____

5. ☐ This report has been established taking into account **the rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 70.2(e)).

* *If item 4 applies, some or all of those sheets may be marked "superseded."*

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/EP2007/054981

Box No. V **Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims	1-10	YES
	Claims		NO
Inventive step (IS)	Claims	1-10	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-10	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

Reference is made to the following documents:

D1: US-A-6 121 404 (cited in the application)

D2: DE 17 95 563 A1 (cited in the application)

D3: US 2005/148702 A1

D4: DE 44 04 890 A1

D5: US-A-4 808 649.

Novelty (PCT Article 33(2)) and inventive step (PCT Article 33(3))

The subject matter of the present claims **1-10** is novel over the prior art citations of the International Search Report and the present application.

None of the documents cited in the International Search Report discloses the treatment of leather or of leather fibres with compositions containing ß-ketocarbonyl functional polysiloxanes, as specified:

Document D1 discloses ß-ketocarbonyl functional polysiloxanes containing at least one group B, as per formulas (I), (IV) and (V) in claims 1, 3 and 4, wherein

/...

the organopolysiloxanes are defined by units of the formulas (VI), (VIIa) and (VIIb). The aforementioned polysiloxanes containing acetoacetate groups can be used in an aqueous solution for haircare applications (D1: ß-ketocarbonyl functional polysiloxanes by reaction with diketenes with hydroxyl- or aminoorganosilicon compound, aqueous emulsions thereof (see column 1, line 35 to column 3, line 35 and examples 1-3; haircare applications with said polysiloxanes, see page 9, lines 9-16).

Document D2 discloses solutions of ß-ketocarbonyl functional polysiloxanes in different organic solvents for coating razor blades (D2: silicon oils, paraffin oils, see page 2, last paragraph; ketones, hydrocarbons, see page 4, last paragraph).

Document D3 discloses emulsions of carboxylic polysiloxanes, which are used for the water-repellent treatment of leather (D3: see example C1).

Document D4 discloses aqueous emulsions of pectinate carboxyl functionalised polysiloxanes for the water-repellent treatment of leather and skins.

Document D5 discloses ß-ketocarbonyl functional polysiloxanes as stabilisers for PVC (D5: see examples 11-14).

The subject matter of the present claims **1-10** also involves an inventive step since none of documents D1,

/...

Box No. V **Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

D3 or D4 - which are considered to be the closest prior art - read alone or in conjunction with any other document cited in the International Search Report contains anything to indicate the claimed method. The reasons are as follows:

The present application differs from D1 in that it relates to a method for treating leather and leather fibres with the specified ß-ketocarbonyl functional siloxane polymers. The emulsifiable polysiloxane used is not the same as that according to documents D3 and D4.

The technical problem is that of devising a method for treating leather, imparting improved waterproofing, durability, suppleness and wear-resistance properties to the products. This problem has been solved - as can be seen from example 5, in which chrome-tanned leather test-pieces are immersed in a 5% solution of the ß-ketocarbonyl functional siloxane polymers; the leathers treated by the method according to the invention are characterised by a reduced uptake of water and an increased time taken for the water to pass through (Bally test), signifying that an improved water repellent effect has been achieved (see the table on page 18).

The solution is considered non-obvious. The closest prior art discloses a different solution and the prior art citations contain nothing to suggest modifying this solution, or any combination thereof, in order to arrive at the above method.

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	12/304,406	Filing date:	2008-12-11
First Named Inventor:	Christian Herzig		
Title of the Invention:	Treatment of Proteinaceous, Fibrous Entities with Beta-Ketocarbonyl-Functional Siloxane Polymers		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/EP2007/054981

The international filing date of the corresponding PCT application(s) is/are: May 23, 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.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	12304406
First Named Inventor:	Christian Herzig

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 January 28, 2009

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on January 28, 2009

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
12	1	Rewritten in U.S. format
13	2	Rewritten in U.S. format
14	3	Rewritten in U.S. format and to eliminate "preferable" range
15	3	Reinstate preferable range from PCT claim 3
16	4	Rewritten in U.S. format
17	5	Rewritten in U.S. format and to eliminate multiple dependencies
18	6	Rewritten in U.S. format and to eliminate multiple dependencies
19	7	Rewritten in U.S. format and to eliminate multiple dependencies
20	7	As for claim 19, but with limitations of claim 14
21	8	Rewritten in U.S. format and to eliminate multiple dependencies
22	9	Rewritten in U.S. format and to eliminate multiple dependencies
23	10	Rewritten in U.S. format and to eliminate multiple dependencies

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /William G. Conger/	Date March 9, 2011
Name (Print/Typed) William G. Conger	Registration Number 31209

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.
12/304,406	12/11/2008	Christian Herzig	WAS0995PUSA	5332

22045 7590 05/02/2011

BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075

EXAMINER	
KUMAR, PREETI	

ART UNIT	PAPER NUMBER
1764	

MAIL DATE	DELIVERY MODE
05/02/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CT

May 2, 2011

In re application of	:	DECISION ON REQUEST TO
Christian Herzig et al	:	PARTICIPATE IN PATENT
Serial No. 12/304,406	:	PROSECUTION HIGHWAY
Filed: December 11, 2008	:	PROGRAM AND
For: TREATMENT OF PROTEINACEOUS,	:	PETITION TO MAKE SPECIAL
FIBROUS ENTITIES WITH	:	UNDER 37 CFR 1.102(a)
BETA-KETOCARBONYL-	:	
FUNCTIONAL SILOXANE POLYMERS	:	

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 March 9, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, USPTO or KIPO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) Applicant must submit a claims correspondence table in English and all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FAY SHARPE LLP
1228 EUCLID AVENUE, 5TH FLOOR
THE HALLE BUILDING
CLEVELAND OH 44115

MAILED

SEP 12 2011

OFFICE OF PETITIONS

In re Patent No.7,958,265 :
Issue Date: 7 June, 2011 :
Application No. 12/304,435 : DECISION
Filed/Deposited: 11 December. 2008 :
Attorney Docket No.: SANG 200008US01

This is a decision on the petition filed on 9 August, 2011, requesting issuance of duplicate Letters Patent for the above-identified patent/application and considered pursuant to 37 C.F.R. §1.182.[1]

The petition is **GRANTED.**

BACKGROUND

Petitioner has made demand upon the Office to issue duplicate Letters Patent in the instant matter.

Petitioner has indicated that the patent was not received[2] and/or cannot be located, and has authorized the charge of fees to a deposit account, previously charged.

The Publishing Division is directed to issue duplicate Letters Patent.

A copy of this decision is being forwarded to Publishing Division for issuance of duplicate Letters Patent.

---

[1] The regulations at 37 C.F.R. §1.182 provide:

§ 1.182 Questions not specifically provided for.

All situations not specifically provided for in the regulations of this part will be decided in accordance with the merits of each situation by or under the authority of the Commissioner, subject to such other requirements as may be imposed, and such decision will be communicated to the interested parties in writing. Any petition seeking a decision under this section must be accompanied by the petition fee set forth in § 1.17(h). [47 Fed. Reg. 41278, Sept. 17, 1982, effective date Oct. 1, 1982; revised, 62 Fed. Reg. 53131, Oct. 10, 1997, effective Dec. 1, 1997]

[2] For guidance on the proper showing for an allegation/averment of "non-receipt" Petitioners' attentions always are directed to the Commentary at MPEP §711.03(c)(I).

The file is being released to the IFW Repository.

Any questions regarding the issuance of the duplicate Letters Patent should be directed to Ollie Person- Office of Data Management FAX: 571-270-9764, or Kimberly Terrell - Office data Management FAX: 571-270-9958

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[3]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s)/inaction.

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

CC:
Ollie Person- Office of Data Management FAX: 571-270-9764
Kimberly Terrell - Office data Management FAX: 571-270-9958

[3] 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

MAILED

MAY 13 2011

OFFICE OF PETITIONS

ALBEMARLE CORPORATION
PATENT DEPARTMENT
451 FLORIDA STREET
BATON ROUGE LA 70801

In re Application No. 12/304,488 : DECISION ON REQUEST
Herbiet, et al. : FOR
Filed: December 12, 2008 : RECONSIDERATION OF
Attorney Docket No. **F2-7569 US** : PATENT TERM ADJUSTMENT

This is a decision on the petition filed on April 18, 2011, which is being treated as a petition under 37 CFR 1.705(b) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by two hundred and sixty-five (265) days.

The application for patent term adjustment is **GRANTED to the extent indicated herein.**

The Office has updated the PAIR screen to reflect that the correct patent term adjustment determination at the time of the mailing of the notice of allowance is **two hundred and fifty-five (255) days.** A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On February 11, 2011, the Office mailed a Determination of Patent Term Adjustment under 35 U.S.C. § 154(b) in the above-identified application. Applicants were advised that the patent term adjustment to date was 0 days. Pursuant to 35 U.S.C. 154(b)(1)(A) and 37 CFR 1.702(a)(1)[1], 0 days[2] of patent term

[1] 37 CFR § 1.702, provides grounds for adjustment of patent term due to examination delay under the Patent Term Guarantee Act of 1999 (original applications, other than designs, filed on or after May 29, 2000).

> (a) Failure to take certain actions within specified time frames. Subject to the provisions of 35 U.S.C. 154(b) and this subpart, the term of an original patent shall be adjusted if the issuance of the patent was delayed due to the failure of the Office to:
> (1) Mail at least one of a notification under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151 not later than fourteen months after the date on which the application was filed under

adjustment were accorded during the pendency of the application for Office delay prior to the issuance of patent.

In response, applicants timely[3] filed the instant request for reconsideration of the patent term adjustment. Applicants state that the period of adjustment to the patent term should be 265 days, not 0 days. Specifically, applicants state that:

> ...Applicants believe the correct date under § 1.703(a)(1) is December 12, 2008. The first Office Action on the merits was mailed November 4, 2010, and thus was not within 14 months from the 35 U.S.C. 371(c) filing date.
>
> Applicants are basing the PTA of 265 using the following calculation. Fourteen (14) months from the 35 U.S.C. 371(c) of December 12, 2008 is February 12, 2010. The amount of days between the mailing of the first office Action (November 4, 2010) and the 14-month date (February 12, 2010) is 265 days.

Excerpt taken from "Application for Patent Term Adjustment", filed April 18, 2011, pg. 3.

The application history has been reviewed and it has been determined that the period of adjustment to the patent term pursuant to 37 CFR 1.702(a)(1) and 37 CFR 1.703(a)(1) is 255 days, not 265 as applicants assert.

It is noted that neither the applicants, or the Office, used the completion date of Monday December 22, 2008, in calculating the period of adjustment under 37 CFR 1.703(a)(1). As stated in 37 CFR 1.703(a)(1), the period of adjustment under § 1.702(a) is the number of days in the period beginning on the day after the date that is fourteen months after the date on which the application was filed under 35 U.S.C. 111(a) or fulfilled the requirements under 35 U.S.C. 371 and ending on the date of mailing of either an action under 35 U.S.C. 132, or a notice of

---

35 U.S.C. 111(a) or fulfilled the requirements of 35 U.S.C. 371 in an international application;

[2] A non-final Office action was mailed on November 4, 2010, 14 months and 255 days after the completion of all 35 U.S.C. 371 requirements on December 22, 2008.

[3] The Notice of Allowance and Issue Fee Due was mailed February 11, 2011; the issue fee was paid on May 4, 2011.

allowance under 35 U.S.C. 151, whichever occurs first. It is noted that the requirements of 35 U.S.C. 371 (c)(1), (c)(2), and (c)(4) were received on December 12, 2008, however the application could not have been said to have fulfilled, or completed, all of the 35 U.S.C. 371 requirements until December 22, 2008. More specifically, where a request for early processing is not made pursuant to 35 U.S.C. 371(f), the date of completion of all 35 U.S.C. 371 requirements cannot be before the expiration of thirty months from the earliest priority date. See 37 U.S.C. 371(f). It is noted that applicants did not request early processing for this application pursuant to 35 U.S.C. 371(f). The earliest priority date for this application is June 21, 2006, and the date that is thirty months therefrom is Sunday December 21, 2008. It is further noted, however, that where the date of commencement falls on a weekend, the commencement date, which, in this case, is also the date of completion of the requirements under 35 U.S.C. 371 requirements, is the next weekday. Accordingly, Monday December 22, 2008, is the date the application fulfilled all of the requirements under 35 U.S.C. 371 and is the date that should be used to calculate the examination delay under 37 CFR 1.703(a).[4]

Pursuant to 37 CFR 1.703(a)(1), the period of adjustment under 37 CFR 1.702(a) is 255 days, counting the number of days beginning on the day after the date that is fourteen months after the date on which the application fulfilled the requirements under 35 U.S.C. 371, December 23, 2008, and ending on the date of mailing of the non-final Office action, November 4, 2010. Accordingly, the period of adjustment of0 days will be removed and a period of adjustment of 255 will be entered.

In view thereof, the patent term adjustment at the time of the mailing of the notice of allowance is 255 days (255 days of Office delay - 0 days of applicant delay).

The $200.00 fee set forth in 37 CFR 1.18(e) is acknowledged. No additional fees are required.

Applicants are reminded that any delays by the Office pursuant to 37 CFR 1.702(a)(4) and 1.702(b) and any applicant delays under 37 CFR 1.704(c)(10) will be calculated at the time of the

[4] Applicants are advised that a corrected "Notice of Acceptance of Application under 35 U.S.C.371 and 37 CFR 1.495" is not forthcoming. The instant decision serves as official notice that the date of completion of all 35 U.S.C. 371 requirements is December 22, 2008.

issuance of the patent and applicants will be notified in the Issue Notification letter that is mailed to applicants approximately three weeks prior to issuance.

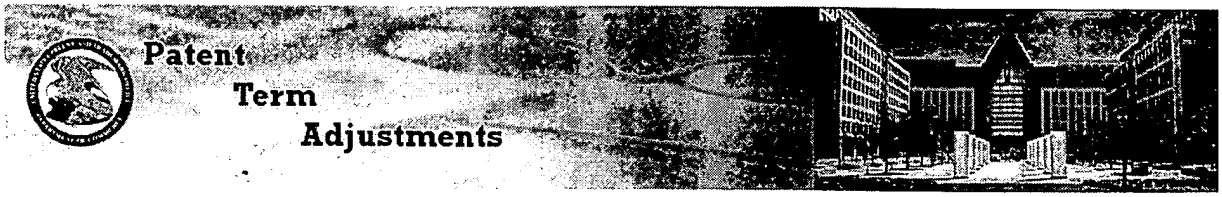
The Office of Data Management has been advised of this decision. This matter is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this matter should be directed to the undersigned, at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enclosure: Copy of REVISED PAIR Screen



PTA/PTE Information | Patent Term Adjustment | Patent Term Extension

Application Number*: 12304488 Search | Explanation of PTA Calculation | Explanation of PTE Calculation

PTA Calculations for Application: 12304488

Application Filing Date	12/12/2008	OverLapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays:	0
A Delays	0	PTO Manual Adjustment	255
B Delays	0	Applicant Delay (APPL)	0
C Delays	0	Total PTA (days)	255

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
42	05/12/2011		P028	Adjustment of PTA Calculation by PTO	255		0
35	02/11/2011		MN/=.	Mail Notice of Allowance			0
34	02/10/2011		IREV	Issue Revision Completed			0
33	02/10/2011		DVER	Document Verification			0
32	02/10/2011		N/=.	Notice of Allowance Data Verification Completed			0
31	02/10/2011		DOCK	Case Docketed to Examiner in GAU			0
30	02/10/2011		CNTA	Allowability Notice			0
26	01/22/2011		FWDX	Date Forwarded to Examiner			0
27	01/21/2011		LET.	Miscellaneous Incoming Letter			0
25	01/21/2011		A...	Response after Non-Final Action			0
24	11/04/2010		MCTNF	Mail Non-Final Rejection			0
23	11/03/2010		CTNF	Non-Final Rejection			0
21	10/06/2010		DOCK	Case Docketed to Examiner in GAU			0
20	03/11/2010		PG-ISSUE	PG-Pub Issue Notification			0
19	02/04/2010		DOCK	Case Docketed to Examiner in GAU			0
12	12/15/2009		OIPE	Application Dispatched from OIPE			0
18	12/14/2009		LET.	Miscellaneous Incoming Letter			0
10	11/30/2009		PGPC	Sent to Classification Contractor			0
9	11/30/2009		FLRCPT.U	Filing Receipt - Updated			0
8	11/30/2009		M903	Notice of DO/EO Acceptance Mailed			0
11	10/12/2009		371COMP	371 Completion Date			0
7	10/12/2009		ADDFLFEE	Additional Application Filing Fees			0
0.5	06/21/2007		NEFILE	International Filing date			0

Export to: Excel

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28 SEP 2010

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Seed Intellectual Property Law Group PLLC
701 Fifth Avenue, Suite 5400
Seattle, WA 98104

In re Application of
THOMPSON et al.
U.S. Application No. 12/304,562
PCT No.: PCT/US2007/071052
Int. Filing Date: 12 June 2007
Priority Date: 12 June 2006
Attorney Docket No.: 910180.406USPC
For: SINGLE-CHAIN MULTIVALENT BINDING PROTEINS WITH EFFECTOR FUNCTION

DECISION ON PETITION

This decision is issued in response to applicants' "Response To Notification of Defective Declaration and Decision on Petition to Correct Inventorship under 37 CFR 1.48" filed 22 July 2010. Applicant is notifying the Office that the name of the tenth inventor is Alwin SHULLER as indicated on the declaration rather than Alwin Shuler as indicated on the published international application. Applicants' request has been treated under 37 CFR 1.181 to accept the declaration filed 22 July 2010. No petition fee is due.

Petitioner states that the correct spelling of the tenth inventor's name is Alwin SHULLER. Applicants' statements are construed as a statement that the spelling error contained in the international application resulted from a typographical error; applicants must inform this Office immediately if this is not a proper interpretation of these statements. As indicated in Section 201.03 of the Manual of Patent Examining Procedure (MPEP), where a typographical or transliteration error in the spelling of an inventor's name is discovered, a petition under 37 CFR 1.48(a) is not required. Accordingly, petitioner's explanation is accepted and noted for the record and the declaration filed 22 July 2010 has been accepted.

For the reasons above, the request under 37 CFR 1.181 is **GRANTED**.

Applicants' request under 37 CFR 1.48(b) is being held in abeyance.

This application is being forwarded to United States Designated/Elected Office for further processing and for review of the national stage papers submitted 22 July 2010 and, if appropriate, preparation and mailing of the Notification of Acceptance of Application under 35 U.S.C. 371 (Form PCT/DO/EO/903) and Official Filing Receipt indicating a date of **22 July 2010** under 35 U.S.C. 371(c).

Thereafter, this application will be forwarded to appropriate Technology Center to decide applicants' request under 37 CFR 1.48(b). (See MPEP 1002.02(e).)

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298

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NOV 03 2011

OFFICE OF PETITIONS

SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVENUE, SUITE 5400
SEATLE, WA 98104

Applicants: Thompson, et al.
Appl. No.: 12/304,562
International Filing Date: June 12, 2007
Title: SINGLE-CHAIN MULTIVALENT BINDING PROTEINS WITH EFFECTOR FUNCTION
Attorney Docket: 910180.406USPC
Pub. No.: US 20110033483 A1
Pub. Date: February 10, 2011

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on March 18, 2011, for the above-identified application.

The request is granted

Applicant requests that the application be republished because the patent application publication contains an error wherein the assignee's name is incorrect and an error in claim 110.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The instant request identifies a material Office mistake in claim 110 wherein "IL-12Rβ1, IL-12Rβ2" was misprinted as "IL-12Rβ, IL-12R β".

The instant request does not identify a material mistake in the publication made by the Office under 37 CFR 1.221(b) with respect to the name of the assignee. An error in assignee's name is not a material mistake because it does not affect the public's ability to appreciate the technical

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

disclosure of the patent application publication, to determine the scope of the patent application publication or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. However, this non-material error will be corrected when the application is republished to correct the material error.

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

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JOHN RICHARDS
LADAS & PARRY LLP
26 WEST 61ST STREET
NEW YORK, NY 10023

MAILED

OCT 29 2010

PCT LEGAL ADMINISTRATION

In re Application of:	:	
BOSCHOFF et al.	:	DECISION
US Application No.: 12/304,591	:	
PCT Application No.: PCT/IB2007/052240	:	
Int. Filing Date: 13 June 2007	:	
Priority Date: 13 June 2006	:	UNDER
Atty Docket No.: U 017573-2	:	
For: A HYDROFUELED-ASSISTED MULTI-HULLED WATERCRAFT	:	37 CFR § 1.47(a)

This is in response to applicants' "RENEWED PETITION UNDER 37 CFR §1.47(a)" received on 24 September 2010.

BACKGROUND

On 13 June 2007, applicants filed international application PCT/IB2007/052240. A copy of the international application was communicated from the International Bureau to the United States Patent and Trademark Office on 17 January 2008. The deadline for filing the basic national fee in the United States Patent and Trademark Office was 15 December 2008.

On 12 December 2008, applicants submitted a request for entry into the national stage in the United States, which was accompanied by, inter alia, the basic national fee and the specification. The papers were assigned U.S. application number 12/304,591.

On 22 July 2009, 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 oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 22 January 2010, applicants filed a petition under 37 CFR 1.47 requesting acceptance of the application without an inventor's signature.

On 27 April 2010, the petition was denied for lack of supporting evidence.

On 24 September 2010, applicants filed the present renewed petition.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(g), (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the other joint inventors on behalf of and as agent for the non-signing inventor.

With regard to item (1) above, the requisite petition fee has been paid.

With regard to item (2) above, MPEP 409.03(d) states in relevant 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...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.

The petition states that inventor Gunther Migeotte cannot be reached to sign the declaration. Applicants conducted internet searches, the result of which appear to show different addresses for the nonsigning inventor. Applicants have not, however, indicated whether attempts have been made to make contact with the nonsigning inventor at those addresses. Thus, it would be unreasonable to conclude at the present time that Mr. Migeotte cannot be reached.

With regard to item (3) above, the petition states the nonsigning inventor's last known address.

With regard to item (4) above, the oath or declaration executed by the applicants on behalf of the nonsigning inventor has been provided.

Based on the above, applicants have not satisfied the requirement for a grantable petition under 37 CFR 1.47(a).

CONCLUSION

For the reasons above, 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. Failure to timely file a proper response will result in abandonment of the application. Extensions of time under 37 CFR 1.136 are available. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

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.

Shian Luong
PCT Special Programs Examiner
Office of PCT Legal Administration
Telephone: (571) 272-4557

Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

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NEW YORK, NY 10023

MAILED

JUN 27 2011

PCT LEGAL ADMINISTRATION

In re Application of:	:	
BOSCHOFF et al.	:	DECISION
US Application No.: 12/304,591	:	
PCT Application No.: PCT/IB2007/052240	:	
Int. Filing Date: 13 June 2007	:	
Priority Date: 13 June 2006	:	UNDER
Atty Docket No.: U 017573-2	:	
For: A HYDROFUELED-ASSISTED MULTI-HULLED WATERCRAFT	:	37 CFR § 1.47(a)

This is in response to applicants' "RENEWED PETITION UNDER 37 CFR §1.47(a)" received on 28 April 2011.

BACKGROUND

On 13 June 2007, applicants filed international application PCT/IB2007/052240. A copy of the international application was communicated from the International Bureau to the United States Patent and Trademark Office on 17 January 2008. The deadline for filing the basic national fee in the United States Patent and Trademark Office was 15 December 2008.

On 12 December 2008, applicants submitted a request for entry into the national stage in the United States, which was accompanied by, inter alia, the basic national fee and the specification. The papers were assigned U.S. application number 12/304,591.

On 22 July 2009, 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 oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 22 January 2010, applicants filed a petition under 37 CFR 1.47 requesting acceptance of the application without an inventor's signature.

On 27 April 2010, the petition was denied for lack of supporting evidence.

On 24 September 2010, applicants filed a renewed petition.

On 29 October 2010, the petition was dismissed for insufficient supporting documents.

On 28 April 2011, applicants filed the second renewed petition.

DISCUSSION

The second renewed petition accompanied inventor Gunther Migeotte's executed declaration. This is a proper response to the decision mailed 29 October 2010.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.47(a) is DIMISSED AS MOOT.

This application is being referred to the National Stage Processing (DO/EO/US) for further processing in accordance with this decision. The 35 USC 371 (c)(1), (c)(2), (c)(4) date is 28 April 2011.

Shian Luong
PCT Special Programs Examiner
Office of PCT Legal Administration
Telephone: (571) 272-4557

Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

Abstract

A head gimbals assembly for a hard disk for use in a thermally assisted magnetic disk recording medium, in which a laser diode is applied so as to record information with high density. The head gimbals assembly for a hard disk having a plurality of suspensions, each of which is provided with a magnetic head positioned adjacent to a corresponding disk surface among the disks so as to record/reproduce information; a head gimbals body having a centrally formed pivot hole which allows the head gimbals body to be fitted in such a manner as to be rotatable in relation to the disks, the suspensions extending from one end of the head gimbals body; a coil rotator provided at the other end of the head gimbals body so as to rotate the head gimbals body about the pivot hole; and a laser assembly having one or more laser diodes and one or more wave guides, the light emitted from any of the laser diodes is guided to a corresponding magnetic head by the wave guides.

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/304,688	02/26/2009	Yoshihisa Kishiyama	17401/110001	7638

22511 7590 12/01/2010

OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON, TX 77010

EXAMINER	
YAO, KWANG BIN	

ART UNIT	PAPER NUMBER
2473	

NOTIFICATION DATE	DELIVERY MODE
12/01/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@oshaliang.com
buta@oshaliang.com

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OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON TX 77010

In re Application of: KISHIYAMA et al.
Application No. 12/304,688
Filed: February 26, 2009
For: MOBILE STATION, BASE STATION, AND METHOD OF TRANSMITTING AN UPLINK SCHEDULING REQUEST

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

MAILED

DEC 01 2010

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed October 22, 2010, to make the above-identified application special.

The petition is **GRANTED.**

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;

(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with English translation thereof and a statement that the English translation is accurate;

(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in The JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition are found to comply with all the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Chau Nguyen at 571-272-3126

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Chau Nguyen/

Chau Nguyen, Quality Assurance Specialist
Technology Center 2400

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20100806

DATE : August 6, 2010

TO SPE OF : ART UNIT 3662

SUBJECT : Request for Certificate of Correction on Patent No.: 7714776

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - PK 3-910
Palm location **7590** - Tel. No. 305-8201

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☒ **Approved** **All** changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

SPE: /Thomas H. Tarcza/ **Art Unit** 3662

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HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON DC 20006-1109

MAILED
JUN 02 2011
OFFICE OF PETITIONS

In re Patent No. 7,897,578 :
Issue Date: March 1, 2011 :
Application No. 12/304,746 : DECISION ON PETITION
Filed: December 12, 2008 :
Attorney Docket No. 58767.000052 :

This is a decision on the Request For Issuance Of Patent In Name Of Assignee Submitted After Date Of Payment Of Issue Fee, filed January 20, 2011, to add ---Ispen Pharma S.A.S.-- to the Title Page of the Patent via a Certificate of Correction.

The petition under 37 CFR §3.81(b) is **DISMISSED**.

Petitioner requests that the present Petition was submitted to add –Ispen Pharma S.A.S.-- on the previously submitted PTOL-85B.

37 CFR 3.81(b), effective June 25, 2004, reads:

> *After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in §3.11 before issuance of the patent, and must include a request for a certificate of correction under §1.323 of this chapter (accompanied by the fee set forth in §1.20(a) and the processing fee set forth in 1.17(i) of this chapter.

The petition under 37 CFR §3.81(b) was not accompanied with a properly completed Certificate of Correction Form (PTO/SB/44), as required by §3.81(b), showing the needed correction. *See also* MPEP 1481.01. Since petitioner has failed to comply with the provisions of 37 CFR §3.81(b), the petition is dismissed.

Inquiries related this communication should be directed to the undersigned at (571)272-3213.

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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AMIN TALATI, LLC
225 North Michigan Avenue
Suite 700
CHICAGO IL 60601

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NOV 12 2010

OFFICE OF PETITIONS

In re Application of	:	
Bruce Drew et al.	:	
Application No. 12/304,850	:	DECISION ON PETITION
Filed: March 27, 2009	:	TO WITHDRAW
Attorney Docket No. ACP-108	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 6, 2010.

The request is **NOT APPROVED.**

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request to change the correspondence address is not that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71. If an assignee has ownership in this application, then a current Statement under 37 CFR 3.73(b) or a copy of the actual assignment must be provided with a renewed request.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/304,891	12/15/2008	Tadafumi Yoshida	Q111354	9310

23373 7590 02/24/2011

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EXAMINER	
SWANN, JUDY J	

ART UNIT	PAPER NUMBER
3785	

NOTIFICATION DATE	DELIVERY MODE
02/24/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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In re Application of: YOSHIDA, TADAFUMI et al Serial No.: 12/304,891 Filed: Dec. 15, 2008 Docket: Q111354 Title: HEAT SINK AND COOLER	::	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY (PPH) AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed Feb. 22, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more corresponding application(s) filed in the JPO or to a PCT application that does not contain any priority claim, or the U.S. application must be a national stage entry of a PCT application that does not contain any priority claim;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application. This application will be forwarded to an examiner for examination.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. All other inquiries concerning the examination or status of the application should be directed to Judy Swann, SPE of Art Unit 3785, and 571-272-7075 for Class 165/80 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Petition is **granted**.

/Henry C. Yuen/

_____

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

UNITED STATES PATENT AND TRADEMARK OFFICE

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Lawrence Berkeley National Laboratory
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MAILED

JUN 03 2011

PCT LEGAL ADMINISTRATION

In re Application of
MAIR, Diedonne
Application No.: 12/304,902
PCT No.: PCT/US2007/071607
Int. Filing Date: 19 June 2007
Priority Date: 19 June 2006
Attorney Docket No.: IB-2304
For: DISPOSABLE, HIGH PRESSURE MICROFLUIDIC CHIPS

DECISION ON REQUEST

This decision is issued in response to applicant's "Request to Add Unintentionally Omitted Inventor to Application in Accordance with 37 CFR 1.48(a)" dated 22 September 2009 treated herein as a Petition under 37 CFR 1.497(d).[1]

The petition under 37 CFR 1.497(d) to add Emil J. Geiger under 37 CFR 1.497(d) is DISMISSED without prejudice.

Applicant requests to add Emil J. Geiger as an inventor to the present application. In order to correct an error in naming the inventor(s) made during the international stage in the national stage, a submission under 37 CFR 1.497(d) is required.

A submission under 37 CFR 1.497(d) to correct an error in naming inventorship requires: (1) a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part; (2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.497(a); (3) the fee set forth in 37 CFR 1.17(i); and (4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b). Applicant has satisfied items (1), (2), and (3).

As to item (4), applicant has establish its ownership in accordance with 37 CFR 3.73, however, applicant has not submitted a written consent of the assignee regarding the additional inventor. Therefore, item (4) has not been satisfied.

---

[1]As defined in 37 CFR 1.9(a)(3), a U.S. national stage application must first comply with the requirements of 35 U.S.C. 371(c) to constitute a "nonprovisional" application, therefore, applicant's request will be treated under 37 CFR 1.497(d).

The inventor of record remains the inventor named on the international application.

Applicant must file a proper response to this decision within TWO (2) MONTHS from the mail date indicated above. Failure to file a timely and proper response will result in abandonment of the application. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298

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PCT LEGAL ADMINISTRATION

Lawrence Berkeley National Laboratory
Technology Transfer & IP Management
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Berkeley, CA 94720

In re Application of :
MAIR, Diedonne :
Application No.: 12/304,902 : DECISION ON REQUEST
PCT No.: PCT/US2007/071607 :
Int. Filing Date: 19 June 2007 :
Priority Date: 19 June 2006 :
Attorney Docket No.: IB-2304 :
For: DISPOSABLE, HIGH PRESSURE MICROFLUIDIC CHIPS

In a decision mailed by this Office on 03 June 2011, applicant's request to correct inventorship was dismissed without prejudice for failure to satisfy all the requirements of 37 CFR 1.497(d).

On 02 August 2011, applicant filed the renewed request under 37 CFR 1.497(d) considered herein. Applicant's submissions satisfy the requirements of 37 CFR 1.497(d). Applicant has submitted a statement from the added inventor. The processing fee set in forth in 37 CFR §1.17 has been submitted. Applicant's submission included the consent of the assignee to the requested correction of inventorship, in the form required under 37 CFR 1.497(d)(3) and 3.73(b).

Based on the above, applicant's request to add Emil J. Geiger as an inventor is appropriately granted. Based on this correction, the declaration filed on 05 May 2009 (which named Diedonne MAIR and Emil J. GEIGER) is acceptable under 37 CFR 1.497. Applicant's request to correct inventorship under 37 CFR 1.497(d) is **GRANTED.**

This application is being forwarded to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision. The 35 U.S.C. 371(c) date is 05 May 2009.

Anthony Smith
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(19)대한민국특허청(KR)공개특허공보(A)

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심사청구	없음
발명의명칭	ＰＶＲ의 화면 캡쳐 시스템

요약

본 발명은 PVR을 내장한 TV에서 녹화중 뿐 만 아니라, 녹화된 프로그램 상에서도 화면을 캡쳐하고, 편집할 수 있는 PVR의 화면 캡쳐 시스템을 개시한다. 개시된 본 발명은 다수개의 프로그램들이 녹화된 PVR의 저장부; 상기 저장부로부터 '사용자의 선택에 의해' 캡쳐된 영상 화면을 MPEG 스트림 형태로 받아 '이미지' 파일 형태로 변환하는 신호처리부; 및 상기 신호처리부에서 변환된 비트맵 파일을 편집하는 편집부를 포함하는 것을 특징으로 한다.

대표도

도. 2

색인어

PVR, MPEG, 비트맵, 영상, 화면 캡쳐

명세서

※ 도면에 대한 간단한 설명

도 1은 종래 기술에 따른 PVR의 화면 캡쳐 시스템을 도시한 블럭도.

도 2는 본 발명에 따른 PVR의 화면 캡쳐 시스템을 도시한 블럭도.

도면의 주요 부분에 대한 부호의 설명

100: 저장부 200: 신호처리부

201: DC-이미지 추출부 202: 비트맵 파일 컨버터부

300: 외부장치 400: 편집부

※ 발명에 대한 자세한 설명

▩ 발명의 목적

▪ 발명이 속하는 분야의 종래기술

본 발명은 PVR(Personal Video Recorder: 이하 PVR이라 한다)의 화면 캡쳐에 관한 것으로, 보다 구체적으로는 녹화 중 일 때, 뿐만 아니라, 하드디스크에 녹화된 프로그램에서도 영상 화면을 캡쳐하여 편집할 수 있는 PVR의 화면 캡쳐 시스템에 관한 것이다.

도 1은 종래 기술에 따른 PVR의 화면 캡쳐 시스템을 도시한 블럭도이다.

도 1에 도시된 바와 같이, PVR이 내장된 TV(Television) 또는 PVR 장치에서 프로그램들이 녹화되어 있는 저장부(10)와, 상기 저장부(10)로부터 녹화중인 프로그램에서 영상 화면을 선택하여 MPEG(Motion Picture Expert Group) 스트림(stream) 형태로 영상 데이터를 추출하는 영상 선택 프로그램(20)과, 상기 영상 선택 프로그램(20)으로부터 선택된 영상 데이터 신호(Low data)를 이미지 파일(image file)로 변환하는 이미지 파일 컨버터부(30)로 구성되어 있다.

상기와 같은 구조를 갖는 화면 캡쳐 시스템은 다음과 같이 동작한다.

PVR에서 녹화중일 때, 하드디스크 저장부(10)에 저장된 녹화 프로그램의 영상 화면을 상기 영상 선택 프로그램(20)에 따라 선택되어 진다. 상기 영상 선택 프로그램(20)에서 선택된 캡쳐 화면을 데이터 신호화하여 상기 이미지 파일 컨버터부(30)로 전송한다. 상기 이미지 파일 컨버터부(30)에서는 캡쳐(capture)된 화면을 이미지 파일화 한 다음 상기 저장부(10)에 저장되고, 사용자의 요구에 따라 저장된 영상 화면이 디스플레이 된다.

그러나, 상기와 같은 종래의 PVR의 화면 캡쳐 기능은 녹화중인 프로그램에서만 가능하였고, 저장부에 이미 녹화된 프로그램으로부터는 정지 화면을 캡쳐 할 수 없는 단점이 있었다.

또한, 종래의 PVR에서는 캡쳐 된 화면의 편집 기능도 매우 제한되어, 확대, 축소, 특수 효과 삽입 등의 기능을 할 수 없어, 다양한 영상의 디스플레이 실현이 어려웠다.

▪ 기술적 과제

본 발명은 상기한 종래 기술의 문제점을 해결하기 위하여 안출된 것으로서, PVR의 하드디스크 저장부에 녹화된 프로그램 중 사용자가 원하는 영상 화면을 캡쳐하고, 저장 및 편집하여 디스플레이 하거나 외부 기기를 통하여 디스플레이 할 수 있는 PVR의 화면 캡쳐 시스템을 제공함에 그 목적이 있다.

▩ 발명의 구성 및 작용

상기한 목적을 달성하기 위한, 본 발명에 따른 PVR의 화면 캡쳐 시스템은,

다수개의 프로그램들이 녹화된 PVR의 저장부;

상기 저장부로부터 '사용자의 선택에 의해' 캡쳐된 영상 화면을 MPEG 스트림 형태로 받아 '이미지' 파일 형태로 변환하는 신호처리부; 및

상기 신호처리부에서 변환된 비트맵 파일을 편집하는 편집부를 포함하는 것을 특징으로 한다.

여기서, 상기 신호처리부는 MPEG 스프림 신호를 받아 양자화하는 DC-이미지 추출부와 상기 DC(De-Quantization) 이미지 추출부로부터 양자화 된 신호를 비트맵 파일로 변환하는 비트맵 파일 컨버터부를 포함하고, 상기 신호처리부에서 변환된 비트맵 파일 신호는 다시 상기 저장부에 저장되는 것을 특징으로 한다.

본 발명에 의하면, PVR의 하드디스크 저장부와 연결된 DC-이미지 추출부와 비트맵 파일 컨버터부를 배치하여 녹화중인 프로그램뿐 만 아니라, 녹화된 프로그램에서도 영상 화면을 캡쳐하고 편집할 수 있는 이점이 있다.

이하, 첨부한 도면에 의거하여 본 발명의 바람직한 실시 예를 자세히 설명하도록 한다.

도 2는 본 발명에 따른 PVR의 화면 캡쳐 시스템을 설명하기 위한 블럭도이다.

도 2에 도시된 바와 같이, 프로그램들이 녹화되어 있는 저장부(100)와, 상기 저장부(100)로부터 녹화된 프로그램 중 영상 화면을 선택하여 MPEG 스트림 형태로 영상 신호를 인가 받아 3차원 공간과, 색으로 표현되는 비트맵 파일로 변환하는 신호처리부(200)와 상기 저장부(100)에 저장된 비트맵 파일로부터 특수한 영상 효과를 삽입할 수 있는 편집부(400)와, 상기 저장부(100)에 저장된 비트맵 파일을 다양한 형태로 디스플레이할 수 있는 외부 장치(300)로 구성되어 있다.

상기 신호처리부(200)는 상기 저장부(100)로부터 캡쳐 된 영상 신호를 MPEG 스트림 형태로 인가 받는 DC-이미지 추출부(201)와, 상기 MPEG 스트림으로부터 시각 정보로부터 버리는 것이 용인될 수 있을 만큼 버릴 정보를 선택하여 양자화 한 DC 이미지 데이터를 비트맵 파일로 변환하기 위한 비트맵 파일 컨버터부(202)로 구성되어 있다.

상기 비트맵은 이미지를 표현할 때 이미 결정된 주사선으로 구성된 래스터 화상을 이용하기 때문에, 사용자가 이미지의 크기를 바꾸게 되면 선명도가 떨어지게 된다. 그러나, 벡터 그래픽 이미지는 크기를 신속하게 변경할 수 있도록 설계되어 있다.

일반적으로 사용되는 GIF나 JPEG 등의 이미지 파일들은 비트맵 그래픽 형식으로 표현되는 전형적인 예이다.

상기와 같은 화면 캡쳐 시스템은 다음과 같이 동작한다.

상기와 같은 구조를 갖는 PVR의 화면 캡쳐 시스템은 녹화 도중 사용자가 원하는 화면을 캡쳐하고 편집을 할 수 있을 뿐 아니라, 상기 저장부(100)에 녹화된 다수개의 프로그램 중 사용자가 특정의 프로그램의 영상을 캡쳐하여 편집할 수도 있다.

먼저, 사용자가 상기 저장부(100)에서 녹화된 프로그램에서 원하는 영상을 선택하면, 상기 저장부(100)의 녹화된 프로그램중 선택된 영상 화면은 MPEG 스트림(stream) 형태로 상기 신호처리부(200)에 있는 DC-이미지 추출부(201)로 전송되고, 상기 DC-이미지 추출부(201)에서는 DC-이미지를 비트맵 파일 형태로 변환시키기 위하여 비트맵 파일 컨버터부(202)로 전송된다.

그런 다음, 캡쳐된 영상 화면은 비트맵 파일 형태로 상기 저장부(100)에 저장되고, 이렇게 변환된 영상 화면은 편집이 자유로우므로 상기 저장부(100)와 연결된 편집부(400)에서 비트맵 파일로 변환된 영상 화면을 불러드려 클로즈업, 특수 효과 등 사용자가 원하는 형태로 편집하여 디스플레이 할 수 있다.

또한, 상기 저장부(100)와 연결된 디스플레이를 위한 외부 장치(300)들은 비트맵으로 변환된 영상 화면을 전송 받아 디스플레이 할 수 도 있다. 즉, 상기 외부 장치(300)는 카메라, PC, PDA(Personal Digital Assistant), 프린터 등 여러 가지 디스플레이들과 접속하여 출력할 수 있다.

발명의 효과

이상에서 자세히 설명된 바와 같이, 본 발명은 PVR의 하드디스크 저장부에 녹화된 프로그램 또는 녹화중인 프로그램들 중 사용자가 원하는 영상 화면을 캡쳐하여 다양한 편집 기능을 할 수 있는 효과가 있다.

본 발명은 상기한 실시 예에 한정되지 않고, 이하 청구 범위에서 청구하는 본 발명의 요지를 벗어남이 없이 당해 발명이 속하는 분야에서 통상의 지식을 가진 자라면 누구든지 다양한 변경 실시가 가능할 것이다.

청구의 범위

청구항 1:
다수개의 프로그램들이 녹화된 PVR의 저장부;

상기 저장부로부터 '사용자의 선택에 의해' 캡쳐된 영상 화면을 MPEG 스트림 형태로 받아 '이미지' 파일 형태로 변환하는 신호처리부; 및

상기 신호처리부에서 변환된 비트맵 파일을 편집하는 편집부를 포함하는 것을 특징으로 하는 PVR의 화면 캡쳐 시스템.

청구항 2:
제 1 항에 있어서,

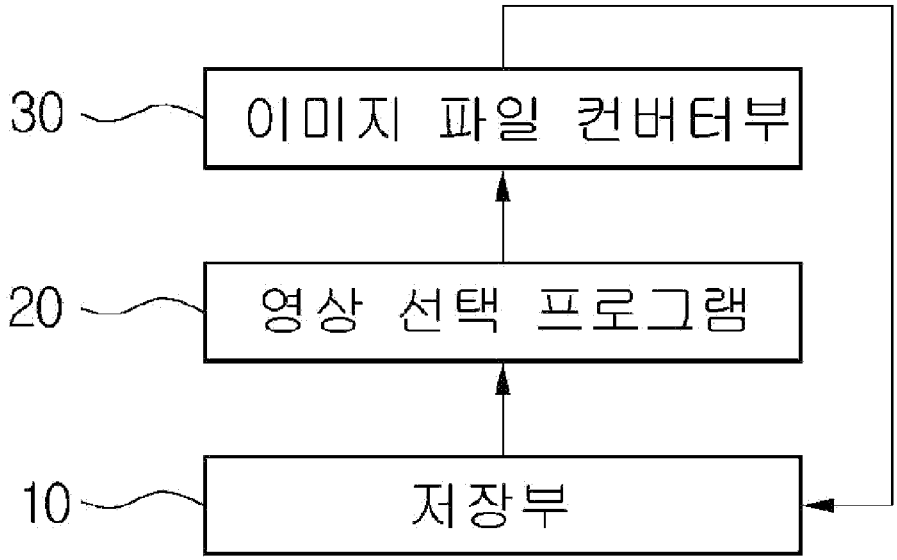
상기 신호처리부는 MPEG 스프림 신호를 받아 양자화하는 DC-이미지 추출부와 상기 DC-이미지 추출부로부터 양자화 된 신호를 비트맵 파일로 변환하는 비트맵 파일 컨버터부를 포함하는 것을 특징으로 하는 PVR의 화면 캡쳐 시스템.

청구항 3:
제 1 항에 있어서,

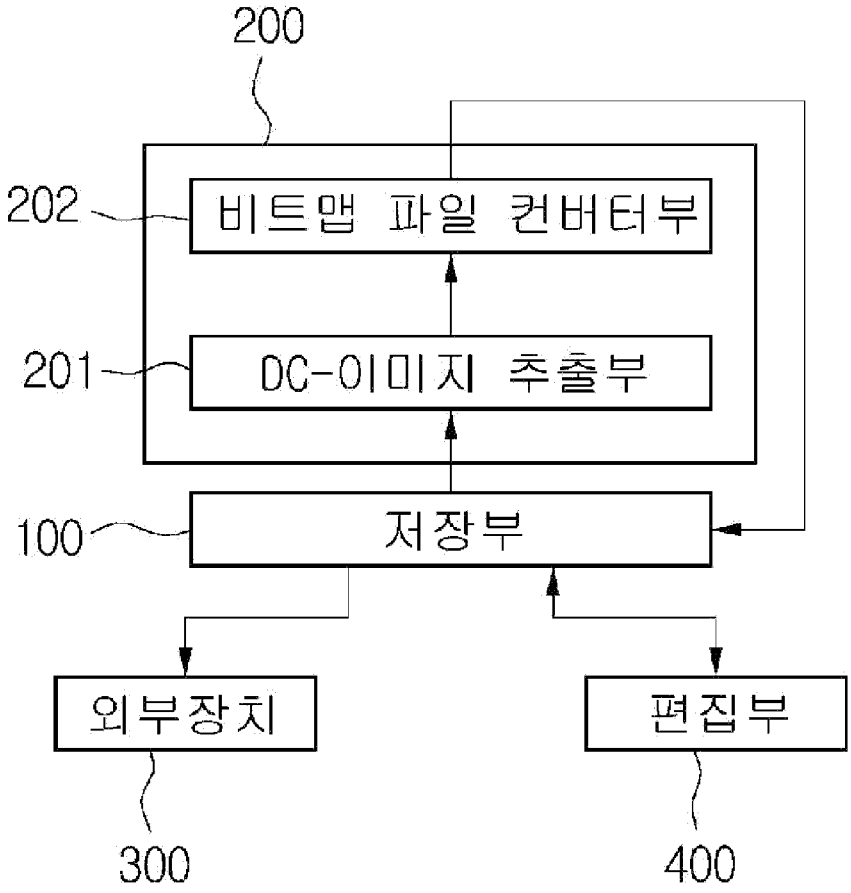
상기 신호처리부에서 변환된 비트맵 파일 신호는 다시 상기 저장부에 저장되는 것을 특징으로 하는 PVR의 화면 캡쳐 시스템.

도면

도면 1



도면 2


200
202
비트맵 파일 컨버터부
201
DC-이미지 추출부
100
저장부
외부장치
편집부
300
400

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAIL

NOV 17 2010

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON TX 77010

In re Application of :
HIGUCHI, KENICHI et al :
Application No. 12/305,149 :
Filed: December 16, 2008 :
Attorney Docket No. 17401/116001 :
:
:

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed October 20, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Michael Horabik at 571-272-3068.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Michael Horabik/

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/305,162	05/15/2009	Frédérique Brune	3493-0227PUS1	1542

2292 7590 10/25/2010
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER	
COVINGTON, RAYMOND K	
ART UNIT	PAPER NUMBER
1625	

NOTIFICATION DATE	DELIVERY MODE
10/25/2010	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):

mailroom@bskb.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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OCT 2 5 2010

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of	:	
BRUNE, FRéDéRIQUE et. al.	:	DECISION ON REQUEST TO
Application No. 12/305,162	:	PARTICIPATE IN PATENT
Filed: May 15, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. 3493-0227PUS1	:	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 July 06, 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:

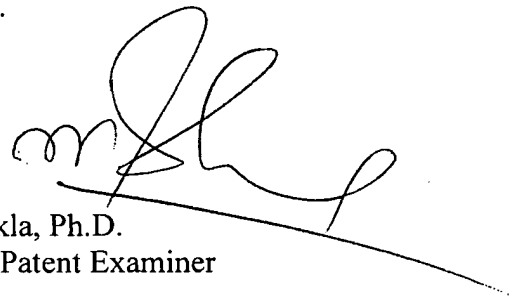
(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the EPO;
(2) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the EPO application(s);
(3) Examination of the U.S. application has not begun;
(4) Applicant must submit a copy of all the office actions from each of the EPO 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 EPO examiner in the EPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to 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.



Ram R. Shukla, Ph.D.
Supervisory Patent Examiner
TC 1600

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MAY 31 2011

PCT LEGAL ADMINISTRATION

BAKER & HOSTETLER LLP
WASHINGTON SQUARE, SUITE 1100
1050 CONNECTICUT AVE. N.W.
WASHINGTON DC 20036-5304

In re Application of :
LOTFI, Abbas, et al. :
Application No.: 12/305,170 : DECISION
PCT No.: PCT/US2007/014142 :
Int. Filing Date: 18 June 2007 : ON PETITION UNDER
Priority Date: 16 June 2006 :
Docket No.: 27057.0502 : 37 CFR 1.47(a)
For: HANDS FREE WASTE FLAP :
APPARATUS AND METHOD :

This is a decision on applicants' Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 30 March 2011.

BACKGROUND

On 30 December 2010, the Office mailed a non-final rejection, indicating, *inter alia*, that the declaration was only executed by one of the two inventors.

On 30 March 2011, applicants filed this petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Items (1), (2), (3) and (4) have been satisfied. The balance of the $200 petition fee will be charged to deposit account no. 50-2036, as authorized. Applicants state that they presented the inventor with a complete copy of the application papers and the declaration, and that the inventor refused to execute the declaration in a voice mail left with applicant. Applicant states the last known address of the non-signing inventor, Abbas Lotfi as 3316 Fallenleaf Drive, Corona, CA 92882. The declaration is executed by the signing inventor on behalf on the non-signing inventor.

CONCLUSION

For the above reasons, applicant's 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 the nonsigning 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.

A Notification of Acceptance (Form PCT/DO/EO/903) issued prematurely in this application, but it is correct and confirmed.

This application is being referred to Technology Center 2837 for continued processing.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MAY 31 2011

PCT LEGAL ADMINISTRATION

Abbas Lotfi
3316 Fallenleaf Drive
Corona, CA 92882

In re Application of
LOTFI, Abbas, et al.
Application No.: 12/305,170
PCT No.: PCT/US2007/014142
Int. Filing Date: 18 June 2007
Priority Date: 16 June 2006
Docket No.: 27057.0502
For: HANDS FREE WASTE FLAP APPARATUS AND METHOD

Dear Mr. Lofti:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

BAKER & HOSTETLER LLP
WASHINGTON SQUARE, SUITE 1100
1050 CONNECTICUT AVE. N.W.
WASHINGTON DC 20036-5304

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ONE GATEWAY CENTER
NEWARK, NJ 07102

MAILED
SEP 17 2010
OFFICE OF PETITIONS

In re Application of
Keith A. Woelfel
Application No. 12/305,247
Filed: December 17, 2008
Attorney Docket No. M174-US

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR. § 1.36(b), filed July 19, 2010.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to attorneys/agents associated with the Customer Number 26345 has been revoked by the applicants of the patent application on August 11, 2010. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: THE NATH LAW GROUP
112 South West Street
Alexandria VA 22314

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/305,270	05/11/2009	Takeshi Yao	080543	2758

23850 7590 10/13/2011
KRATZ, QUINTOS & HANSON, LLP
1420 K Street, N.W.
4th Floor
WASHINGTON, DC 20005

EXAMINER	
PALLAY, MICHAEL B	
ART UNIT	PAPER NUMBER
1617	

MAIL DATE	DELIVERY MODE
10/13/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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OCT 13 2011

Daniel A. Geselowitz
KRATZ, QUINTOS & HANSON, LLP
1420 K Street, N.W.
4th Floor
WASHINGTON DC 20005

In re Application of :
YAO et al :Decision on Petition
Serial No.: 12/305,270 :
371(c) Filing date : 11 May 2009 :
Attorney Docket No.: 080543 :

This letter is in response to the Petition under 37 C.F.R. 1.144 and 1.181 filed on 5 July 2011 requesting reconsideration of the lack of unity requirement mailed 7 February 2011.

BACKGROUND

This application was filed as a national stage of a PCT application and as such is entitled to consideration under PCT unity of invention rules.

On 7 February 2011, the examiner set forth a lack of unity requirement which divided the claims 1-21 into two groups as follows:

> Group I, claim(s) 1-18 and 20, drawn to a method for producing bioactive composites comprising: (1) a step of immersing a porous substrate in a solution containing at least calcium ions and hydrogenphosphate ions, thereby distributing the solution to the inside of at least a part of the pores of the substrate, and (2) a step of depositing fine particles containing a calcium phosphate compound as the major component inside the pores into which the solution is introduced;
>
> Group II, claim(s) 19 and 21, drawn to bioactive composites, which is characterized in that it is produced by the production method of claim 1, and fine particles containing a calcium phosphate compound as the major component are deposited inside at least a part of the pores of the porous substrate.

The examiner also required an election of a species of organic polymer.

On 2 March 2011, applicants elected Group I, claims 1-18 and 20 and the organic polymer of polyethylene with traverse.

On 21 April 2011, the examiner considered the traversal and made the lack of unity determination FINAL. Claims 19 and 21 were withdrawn from consideration as being directed to a non-elected invention. Claims 1-18 and 20 were examined on the merits and rejected over prior art. In particular, independent claim 1, among others, was rejected under 35 U.S.C. 102(b) as being anticipated by Leitao. A variety of rejections were made under 35 U.S.C. 103(a) with regards to the dependent claims.

On 18 July 2011, applicants filed a response to the Office action and this petition.

DISCUSSION

The file history and petition have been considered carefully. Applicant seeks concurrent examination of Group I and Group II and reconsideration of the election of species requirement.

PCT Rules 13.2 states that:

> Where a group of inventions is claimed in one and the same international application, the requirement of unity of invention referred to in Rule 13.1 shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art.

Concerning the Lack of Unity Requirement Made between Group II (product) and Group I (process of making the product):

To show unity of invention lacking between a product and the method of making the product, applicants are correct that the examiner would need to address the technical feature shared by the product of Group II and the process of Group I. In this instance, the shared technical feature is the process of claim 1.

Chapter 10 of the ISPE Guidelines makes it clear that the contribution must be both in terms of novelty, which corresponds to anticipation under US practice, and inventive step, which corresponds to unobviousness under US practice. The criteria for determining the concept of "contribution over the prior art" is further discussed in Chapter 10 of the International Search and Preliminary Examination Guidelines:

Rule 13.2; AI Annex B, Part I(b)

> 10.02 Whether or not any particular technical feature makes a "contribution" over the prior art, and therefore constitutes a "special technical feature," is considered with respect to novelty and inventive step. For example, a document discovered in the international search shows that there is a presumption of lack of novelty or inventive step in a main claim, so that there may be no technical relationship left over the prior art among the claimed inventions involving one or more of the same or corresponding special technical features, leaving two or more dependent claims without a single general inventive concept.

The examiner originally supported the lack of unity of invention determination by identifying Reiner as teaching the product of Claim 19. Following election, in the outstanding Office action,

the examiner has cited prior art as anticipating and also rendering obvious the shared technical feature, i.e., the process of Claim 1. A product defined by the process by which it can be made is still a product claim (In re Bridgeford, 357 F.2d 679, 149 USPQ 55 (CCPA 1966)). Additionally, MPEP 2113 states that "[E]ven though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process." In re Thorpe, 777 F.2d 695, 698, 227 USPQ 964, 966 (Fed. Cir. 1985). Because of the outstanding prior art rejection(s) on the process of Group I, unity of invention remains lacking between Group I and Group II.

With regard to the election of species requirement, the examiner has required applicants to make a provisional election of species with regard to the type of organic polymer in claim 5.

> Claim 5 (Original): The production method as claimed in claim 2, wherein the organic polymer is at least one type selected from polyethylene, polypropylene, polyethylene terephthalate, polyvinyl alcohol, ethylene-vinyl alcohol copolymer, polyethersulfone, polycaprolactone, and polylactic acid.

Applicants are correct that the examiner has provided "independent and distinct" rationale in the original restriction requirement and relied upon that reasoning when considering the traversal. In this instance, the examiner has not demonstrated that the organic polymers fail to share a common property (they all are used to make the porous shaped body of Claim 2). Nor has the examiner provided by evidence or reasoning as to why the organic polymers do not belong to the same art recognized class of compounds. For this reason, the election of species requirement is unwarranted.

DECISION

The petition filed under 37 CFR 1.144 and 1.181 on 5 July 2011 is **GRANTED-IN-PART**.

The lack of unity determination set forth on 7 February 2011 between the Groups I and II has been maintained.

The election of species requirement has been withdrawn.

The application will be forwarded to the examiner for consideration of the papers filed 18 July 2011 and for preparation of an Office action consistent with this decision.

Any request for reconsideration of this decision should be filed within TWO (2) months of the mail date of this decision.

Should there be any questions regarding this decision, please contact Quality Assurance Specialist Julie Burke, by mail addressed to Director, Technology Center 1600, PO BOX 1450,

ALEXANDRIA, VA 22313-1450, or by telephone at (571) 272-0512 or by Official Fax at 703-272-8300.

George C. Elliott, for

Remy Yucel
Director, Technology Center 1600

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Hershkovitz & Associates, LLC
2845 Duke Street
Alexandria VA 22314

MAILED

AUG 01 2011

OFFICE OF PETITIONS

In re Application of	:	
Gerard Charlier et al.	:	
Application No. 12/305,353	:	DECISION ON PETITION
Filed: March 12, 2009	:	TO WITHDRAW
Attorney Docket No. P50433	:	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 **NOT APPROVED.**

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because a proper forwarding address was not provided. The request to change the correspondence address should be that of the: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71. If an assignee has intervened in this application then a Statement under 37 CFR 3.73(b), or a copy of the actual assignment/notice of recordation, must be submitted with a renewed request.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SHARP KABUSHIKI KAISHA
C/O KEATING & BENNETT, LLP
1800 Alexander Bell Drive, SUITE 200
Reston, VA 20191

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NOV 0 1 2010

OFFICE OF PETITIONS

In re Application of :
Yoshiki TAKATA, et *al.* :
Application No. 12/305,374 : DECISION GRANTING PETITION
Filed: December 18, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **70404.353/AK** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed November 1, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on September 13, 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 2839 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR NY 10510

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JUN 20 2011

OFFICE OF PETITIONS

In re Application of :
Schmidt et al. :
Application No 12/305,380 : ON PETITION
Filed: December 18, 2008 :
Attorney Docket No. 006000 US1 :
:

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 13, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of October 28, 2010. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is January 29, 2011. A Notice of Abandonment was mailed on May 11, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $810.00, and the submission required by 37 CFR 1.114; (2) the petition fee of $1620.00; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

This application is being referred to Technology Center AU 2889 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Charlema Grant
Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 9/23/11

TO SPE OF : ART UNIT: 1626

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/305,419 Patent No. 7,989,394 B2

CofC mailroom date 9/12/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Ernest C. White, LIE

Certificates of Correction Branch

703-756-1814 _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**	**All** changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: _____

/Joseph K. McKane/ 1626

SPE **Art Unit**

OK TO ENTER: /S.C./ (09/23/2011)

CERTIFICATE OF EFS FILING UNDER 37 CFR §1.8

I hereby certify that this correspondence is being electronically transmitted to the United States Patent and Trademark Office, Commissioner for Patents, via the EFS pursuant to 37 CFR §1.8 on the below date:

Date: 9/12/2011 Name: Daniel A. Rubé Signature: Daniel A. Rubé

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of:	Markus Kordes et al.
Patent No.:	7,989,394 B2
Issue Date:	August 2, 2011
Serial No.:	12/305,419
Filing Date:	December 18, 2008
For:	SUBSTITUTED 1-(AZOLIN-2-YL)-AMINO-2-ARYL-1-HETARYL-ETHANE COMPOUNDS
Attorney Docket No.:	13379-436

Examiner:	Susannah Lee Chung
Art Unit:	1626
Conf. No.:	4313

REQUEST FOR CERTIFICATE OF CORRECTION

Mail Stop Certificate of Correction
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Please issue a Certificate of Correction for the above-identified patent to correct the errors listed on the accompanying Form PTO/SB/44. This request is being made pursuant to 35 U.S.C. § 254, since the errors comprise minor or typographical errors by the Patent and Trademark Office.

The Commissioner is hereby authorized to charge any fees required to Deposit Account No. 23-1925.

Respectfully submitted,

Daniel A. Rubé

Daniel A. Rubé
Registration No. 53,536
Attorney for Applicants

BRINKS HOFER GILSON & LIONE
P.O. Box 110285
Research Triangle Park, NC
(919) 481-1111

UNITED STATES PATENT AND TRADEMARK OFFICE

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Kenyon & Kenyon LLP
One Broadway
New York NY 10004

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NOV 14 2011
PCT LEGAL ADMINISTRATION

In re Application of :
FOCKE et al. :
Application No.: 12/305,432 : DECISION ON PETITION
PCT No.: PCT/EP2008/052562 : UNDER 37 CFR 1.137(b)
Int. Filing Date: 03 March 2008 :
Priority Date: 07 April 2007 :
Attorney Docket No.: 10191/5814 :
For: DRIVER ASSISTANCE SYSTEM AND METHOD FOR CHECKING THE PLAUSIBILITY OF OBJECTS

This decision is issued in response to the petition under 37 CFR 1.137(b) filed 22 July 2011 to revive the above-entitled application.

The petition under 37 CFR 1.137(b) is DISMISSED without prejudice and the application remains abandoned.

The above-identified application became abandoned for failure to file a proper reply in a timely manner to the Notification of Missing Requirement (Form DO/EO/905) mailed 12 May 2009. A Notification of Abandonment (Form DO/EO/909) was mailed on 27 June 2011.

37 CFR 1.137(b) permits the filing of a petition to revive an abandoned application where the abandonment resulted from an unintentional delay. A grantable petition under this section must include: (1) the required reply, unless previously filed; (2) the petition fee required by law; (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional;" and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c).

With regard to Item (1), the proper response was the submission of the declaration of the inventors which complies with 37 CFR 1.497(a) and (b). It is noted that the declaration filed on 22 July 2011 cannot be accepted as complying with 37 CFR 1.497 on the present record because the name of one of the inventors is different from the name listed on the international application. Specifically, the inventor identified on the international application as Mario MUELLER has executed the declaration in the name of Mario

MUELLER-FRAHM. The discrepancy is more than a mere typographical error. Accordingly, applicants must provide a petition under 37 CFR 1.182 requesting that this applicant's name be changed to Mario MUELLER-FRAHM. Such petition must include an explanation of the discrepancy in the inventor's name, a statement that no deceptive intent was involved, and a $400 petition fee. If the inventor has officially changed his name, then the petition must include an affidavit signed by the inventor with both names setting forth the procedure whereby the change of name was effected (i.e., marriage), or a certified copy of the court order as well as the petition fee. See MPEP 605.04(c).[1]

If reconsideration on the merits of this petition is desired, an appropriate response to this decision must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b) and 1.182." Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298

[1]On 07 July 2009 and 04 December 2009, applicant stated that the name of the fifth inventor had been changed from Mario Mueller to Mario Mueller Frahm. A document entitled "Bescheinigung Ober Namensanderung" was included with the response, however, the "Bescheinigung Ober Namensanderung" had not been translated into English. Therefore, an English translation of "Bescheinigung Ober Namensanderung" or an affidavit signed by the inventor is required.

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Kenyon & Kenyon LLP
One Broadway
New York NY 10004

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DEC 05 2011

PCT LEGAL ADMINISTRATION

In re Application of :
FOCKE et al. :
Application No.: 12/305,432 : DECISION ON PETITION
PCT No.: PCT/EP2008/052562 : UNDER
Int. Filing Date: 03 March 2008 : 37 CFR 1.137(b)
Priority Date: 07 April 2007 : &
Attorney Docket No.: 10191/5814 : 37 CFR 1.182
For: DRIVER ASSISTANCE SYSTEM AND METHOD FOR CHECKING THE PLAUSIBILITY OF OBJECTS

This decision is issued in response to applicants' "Petition under 37 CFR 1.182 & Response to Decision" filed 21 November 2011 treated herein as a petition under 37 CFR 1.137(b) and 37 CFR 1.182 to revive the above-entitled application.[1]

The petitions under 37 CFR 1.137(b) and 1.182 are GRANTED.

The above-identified application became abandoned for failure to file a proper reply in a timely manner to the Notification of Missing Requirement (Form DO/EO/905) mailed 12 May 2009. A Notification of Abandonment (Form DO/EO/909) was mailed on 27 June 2011.

Petition under 37 CFR 1.137(b)

37 CFR 1.137(b) permits the filing of a petition to revive an abandoned application where the abandonment resulted from an unintentional delay. A grantable petition under this section must include: (1) the required reply, unless previously filed; (2) the petition fee required by law; (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional;" and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c). Applicants have satisfied Items (2)-(4).

---

[1]On 22 July 2011, applicants filed the "Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b)." In a decision dated 14 November 2011, applicants' petitions under 37 CFR 1.137(b) was dismissed without prejudice.

In order to comply with the proper response requirement of item (1) above for revival under 37 CFR 1.137(b), applicants submitted the present Petition Under 37 CFR 1.182. Under the present circumstances, in order for the response requirement, item (1) above, to be satisfied, the petition to change inventor's name (Mario MUELLER-FRAHM) under 37 CFR 1.182 must be grantable.

Petition under 37 CFR 1.182

The Manual of Patent Examining Procedure at § 605.04(c) requires in instances where an inventor has changed his or her name after the application has been filed to submit a petition under 37 CFR 1.182. The petition must include the appropriate petition fee and an affidavit signed with both names setting forth the procedure whereby the change of name was effected, or certified copy of the court order.

Here, applicants' submission included the authorization to charge counsel's credit card the required fees. Based on this authorization, counsel's credit card has been charged the requisite petition fee of $400, satisfying the petition fee requirement. As for the affidavit requirement or copy of the court order, applicants have submitted a "Bescheinigung Ober Namensanderung" (court order) regarding the name change and a translation thereof. Hence, the court order supplied satisfies the requirements for a grantable petition.

Based on the correction to the inventor's name, the declaration filed with the 22 July 2011 submission is acceptable under 37 CFR 1.497. Applicants have now submitted the "required reply," thereby satisfying the final requirement for a grantable petition for revival under 37 CFR 1.137(b).

CONCLUSION

Applicants' renewed petition for revival under 37 CFR 1.137(b) is GRANTED.

Applicants' petitions under 37 CFR 1.182 to correct the name of record for the fifth inventor (Mario MUELLER-FRAHM) is GRANTED

This application is being returned 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 22 July 2011.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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DARBY & DARBY P.C.
P.O. BOX 770
Church Street Station
New York NY 10008-0770

MAILED
JAN 27 2012
OFFICE OF PETITIONS

In re Application of :
Donall B. Healy :
Application No. 12/305472 :
Filing or 371(c) Date: 12/18/2008 : ON PETITION
Attorney Docket Number: 00720/1204250-US1 :

This is a decision on the Petition under 37 CFR 1.137(b), filed December 9, 2011, to revive the above-identified application.

This Petition is hereby **granted**.

This application became abandoned as a result of petitioner's failure to file an appeal brief (and fee required by 37 CFR 41.20(b)(2)) within the time period provided in the Notice of Panel Decision from Pre-Appeal Brief Review. As an appeal brief (and appeal brief fee) was not filed within one (1) from the mailing of the Notice of Panel Decision, or two (2) months of the Notice of Appeal filed October 18, 2010, and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained, the appeal was dismissed and the proceedings as to the rejected claims were terminated. See 37 CFR 1.197(b). As no claims were allowed, the application became abandoned on September 2, 2010. *See* MPEP 1215.04.

Applicant files the present petition and Appeal Brief. The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an Appeal Brief and fee; (2) the petition fee; and (3) the required statement of unintentional delay have been filed with the present petition. Accordingly, the reply is accepted as having been unintentionally delayed. The Appeal is reinstated. Accord MPEP 1215.04.

The application is being referred to Technology Center Art Unit 3611 for processing of the Appeal Brief and Amendment.

Telephone inquiries concerning this petition Decision should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

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Alexandria, VA 22313-1450
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JAN 10 2012

OFFICE OF PETITIONS

FISH & RICHARDSON P.C. (NY)
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

In re Application of :
Erik Deporte : DECISION ON PETITION
Application No. 12/305,515 :
Filed: March 4, 2009 :
Attorney Docket No. 28480-0002US1 :

This is a decision on the petition filed December 23, 2011 under 37 CFR 1.181 to withdraw the holding of abandonment of the above-identified application.

The petition under 37 CFR 1.181 is GRANTED.

The above-referenced application was held abandoned, for failure to file an Appeal Brief, within two months of the filing of a Notice of Appeal on May 23, 2011, in response to a Final Office Action mailed November 22, 2010. Accordingly, email notification of the Notice of Abandonment was sent December 8, 2011.

Petitioner argues that the period for response with extensions of time pursuant to 37 CFR 1.136(a) has not lapsed and thus the Abandonment and Notice of Abandonment are premature.

Under the provisions of 37 CFR 1.136(a), an extension of time up to five months could be obtained making the due date for filing an Appeal Brief December 23, 2011, as claimed by petitioner. As the period for extensions had not expired, the application is not abandoned and the Notice of Abandonment was mailed prematurely.

The instant petition includes a Request for Continued Examination, an amendment as the submission required under 37 CFR 1.114 and a five month extension of time. In view thereof, the response is timely filed and the Notice of Abandonment was sent in error and is hereby withdrawn. No fee for the petition to withdraw the holding of abandonment is due and none has been charged.

This matter is being referred to Technology Center 3673 for processing of the RCE.

Telephone inquiries related to this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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NEIFELD IP LAW, PC
4813-B EISENHOWER AVENUE
ALEXANDRIA VA 22304

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DEC 07 2010

OFFICE OF PETITIONS

In re Application of :
Ammendola, Serena et al. :
Application No. 12/305,609 : DECISION ON PETITION
Filed: January 22, 2009 : TO WITHDRAW
Attorney Docket No. BARZ0010UPCT-US : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R.§ 1.36(b), filed November 15, 2010.

The request is **NOT APPROVED**.

The Office has revised its change in procedure for request to withdraw from representation applies to requests filed on or after May 12, 2008.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request cannot be approved because there was no correspondence address 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 Tredelle Jackson at 571-272- 2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

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COMMISSIONER FOR PATENTS
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MORRISON & FOERSTER LLP
755 PAGE MILL RD
PALO ALTO, CA 94304-1018

MAILED
OCT 08 2010
PCT LEGAL ADMINISTRATION

In re Application of HYMOWITZ et al :
U.S. Application No.: 12/305,638 :
PCT Application No.: PCT/US2007/071596 :
Int. Filing Date: 19 June 2007 : DECISION
Priority Date Claimed: 21 June 2006 :
Attorney Docket No.: 146392001400 :
For: CRYSTAL STRUCTURE OF OX40L AND :
OX40L COMPLEXED WITH OX40 RECEPTOR :

This is in response to applicant's petition under 37 CFR 1.182 filed 04 August 2010.

BACKGROUND

On 19 June 2007, applicant filed international application PCT/US2007/071596, which claimed priority of an earlier United States application filed 21 June 2006. The thirty-month period for paying the basic national fee in the United States expired on 22 December 2008.

On 18 December 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 10 August 2009, 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 oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 10 December 2009, applicant filed an executed declaration.

On 06 July 2010, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which identified a discrepancy with regard to the name of the second inventor.

On 04 August 2010, applicant filed the present petition under 37 CFR 1.182.

DISCUSSION

The petition states that the name of the second listed inventor has changed from "Deanne Compaan" to "Deanne Compaan McGuinn".

MPEP 1893.01(e), Correction of Inventorship, states in relevant part,

> Where there has been no change of inventorship but the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c).

Pursuant to MPEP 605.04(c), a petition to change an inventor's name must include the appropriate petition fee and a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected or a copy of the court order. In the present case, the petition is accompanied by the requisite petition fee and a statement from the inventor setting forth both names and specifying the procedure whereby the change of name was effected.

Applicant is advised that an application data sheet submitted after filing must be signed in accordance with 37 CFR 1.33 and 10.18. See, for example, Form PTO/SB/14 (http://www.uspto.gov/ebc/portal/efs/sb0014_fill.pdf), which contains an appropriate signature block.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 19 June 2007, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 10 December 2009.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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2001 ROSS AVENUE
SUITE 600
DALLAS TX 75201-2980

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JUL 13 2011

OFFICE OF PETITIONS

In re Application of :
Sal Caruso et al. :
Application No. 12/305,649 : DECISION ON PETITION
Filed: August 25, 2010 :
Attorney Docket No. 015444.0612 :

This is a decision on the petition under 37 CFR 1.59(b), filed June 3, 2011, to expunge information from the above identified application.

The petition is **dismissed**.

Petitioner requests that specified drawing figures of the application, filed December 18, 2008, be expunged from the record. The petition also requests that specified drawing figures forming part of the Foreign Priority Application included with the instant application filing be expunged from the record. Petitioner states the drawing figures may contain confidential customer information.

However, 37 CFR 1.59(a)(2) states:

> Information forming part of the original disclosure (i.e., written specification including the claims, drawings, and any preliminary amendment specifically incorporated into an executed oath or declaration under §§ 1.63 and 1.175) will not be expunged from the application file.

Accordingly, the drawing figures and figures from the priority document will not be expunged from the record pursuant to 37 CFR 1.59(b). Moreover, petitioner has not established that an extraordinary situation exits in which justice requires the requested expungement pursuant to a waiver of 37 CFR 1.59(a)(2) under 37 CFR 1.183, as discussed in MPEP 724.05 IV.

Telephone inquiries concerning this communication should be directed to the undersigned at (571) 272-6842.

Carl Friedman
Petitions Examiner
Office of Petitions