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ANDREW N. PARFOMAK
NORRIS MCLAUGHLIN & MARCUS PA
875 THIRD AVE., 8TH FLOOR
NEW YORK, NY 10022

MAILED

MAY 03 2011

OFFICE OF PETITIONS

Applicant: King, et al.
Appl. No.: 12/305,663
International Filing Date: June 17, 2007
Title: CARTRIDGE-TYPE DISPENSER
Attorney Docket No.: 102792-425/11850P3
Pub. No.: US 2010/0239476 A1
Pub. Date: September 23, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on October 25, 2010 and Status Request received on January 24, 2011 for the above-identified application.

The request is granted.

The application was forwarded to the Office of PCT Legal Administration for review. Since the Office of PCT Legal Administration corrected the filing date, the application will be republished.

It would greatly benefit the Office if **applicant did not provide copies of papers**, which were previously submitted and/or **a complete copy of the pre-grant publication**, as it unnecessarily increases the cost to the Office. See 37 CFR 1.4(b). A request for corrected publication need only point out what was printed incorrectly in the application, where the error occurs in the publication and where the correct text or drawing is found in the application papers. Marked up relevant copies of the applications papers and the pre-grant publication may facilitate processing of the request, where it is not readily apparent where the error occurs. If it is not clear why the error is a material error, further explanation may be warranted.

On June 15, 2010, a **Filing Receipt** was mailed by the Office, which incorrectly listed the filing date. To avoid this type of problem in the future, applicant's representative should correct the error, if applicable and make a request for a **Corrected Filing Receipt** prior to export of the application to the publisher and publication of the application.

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

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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United States Patent and Trademark Office
P.O. Box 1450
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MCGLEW & TUTTLE, PC
P.O. BOX 9227
SCARBOROUGH STATION
SCARBOROUGH NY 10510-9227

MAILED

MAR 14 2011

PCT LEGAL ADMINISTRATION

In re Application of :
RICHERZHAGEN, et al. :
Application No.: 12/305,677 : DECISION ON PETITION
PCT No.: PCT/DE2007/001040 :
Int. Filing Date: 12 June 2007 : UNDER 37 CFR 1.181
Priority Date: 22 June 2006 :
Atty Docket No.: 73184 :
For: PROCESS AND DEVICE FOR DETERMINING :
A STEERING WHEEL ANGLE :

This is a decision on applicant's request for corrected notification of acceptance and official filing receipt filed 12 August 2010 in the United States Patent and Trademark Office (USPTO). The request is being treated as a petition under 37 CFR 1.181. No petition fee is due.

On 19 December 2008, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by among other items, payment of the requisite basic national fee; an English translation of the international application and a copy of the PCT Rule 4.17 declaration filed in the international application.

On 19 February 2009, applicant filed a supplemental declaration of the inventors.

On 04 June 2010, applicant was mailed a "Notification of Acceptance" (Form PCT/DO/EO/903) indicating a 371 date of receipt of the 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements as 19 February 2009.

On 12 August 2010, applicant filed the present petition claiming that the 371 requirements were satisfied upon initial filing on 19 December 2008.

In addition to the evidence presently provided by applicant; a review of the application finds that the declaration filed in the international application on the international filing date is in compliance with 37 CFR 1.497(a)-(b).

For the reasons above, applicant's petition under 37 CFR 1.181 is **GRANTED**.

The application has an international filing date of 12 June 2007 under 35 U.S.C. 363 and will be given a date of **19 December 2008** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

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) mailed 04 June 2010 indicating a date of 19 February 2009 under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) is hereby **VACATED**.

This application is being returned to the United States Designated/Elected Office (US/DO/EO) for further processing in accordance with this decision, namely the issuance of 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) and a corrected filing receipt indicating the correct 371 date as detailed above.

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

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United States Patent and Trademark Office
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JAN 25 2011

PCT LEGAL ADMINISTRATION

WORKMAN NYDEGGER/Leica
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City UT 84111

In re Application of	:	
SIERCKS, Knut	:	DECISION
Application No.: 12/305,709	:	
PCT No.: PCT/EP2007/006226	:	
Int. Filing Date: 13 June 2007	:	
Priority Date: 17 July 2006	:	
Attorney's Docket No.: 16455.54	:	
For: OPTICAL DISTANCE MEASURING METHOD AND CORRESPONDING OPTICAL DISTANCE MEASUREMENT DEVICE	:	

This decision is in response to applicants' "PETITION UNDER § 1.182 TO REQUEST THAT INTERNATIONAL BUREAU PROVIDE CERTIFIED COPY OF PRIORITY DOCUMENT UNDER PCT RULE 17" filed 05 January 2011, which has properly been treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 13 June 2007, applicants filed international application PCT/EP2007/006226 which designated the U.S. and claimed a priority date of 17 July 2006. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 24 January 2008. The thirty-month period for paying the basic national fee in the United States expires at midnight on 21 January 2009 (17 January 2009 being a Saturday, 19 January 2009 being a Federal holiday, and 20 January 2009 being a Federal holiday within the District of Columbia).

On 19 December 2008, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 15 July 2009, the United States Designated/Elected Office (DO/EO/US) mailed a NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495 according the application a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date of 29 December 2008 and a 35 U.S.C. 371 date of 17 January 2009. A Filing Receipt was also mailed.

On 05 January 2011, applicants filed the instant petition under 37 CFR 1.181.

DISCUSSION

The petition requests that the certified copy of the priority document be made available in the instant application pursuant to PCT Rule 17.

MPEP § 1893.03(c) states in part:

> Pursuant to PCT Rule 17.1(a)-(b), applicant must submit the certified copy, or request the receiving Office to prepare and transmit the certified copy, within 16 months from the priority date. Where applicant has complied with PCT Rule 17, the International Bureau will forward a copy of the certified priority document to each Designated Office that has requested such document with an indication that the priority document was submitted in compliance with the rule and the date the document was received by the International Bureau. This indication may be in the form of either a cover sheet attached to the copy of the priority document or a WIPO stamp on the face of the certified copy. The U.S. Patent and Trademark Office, as a Designated Office, will normally request the International Bureau to furnish the copy of the certified priority document upon receipt of applicant's submission under 35 U.S.C. 371 to enter the U.S. national phase. The copy from the International Bureau is placed in the U.S. national stage file. The copy of the priority document received from the International Bureau with either of the indications above is acceptable to establish that applicant has filed a certified copy of the priority document.

Applicant has complied with PCT Rule 17. A copy of the certified priority document from WIPO will be placed in the file of the instant application.

CONCLUSION

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

The application is being forwarded to examiner Isam Alsomiri in Art Unit 3662 for acknowledgment that the copy of the certified copy of the foreign priority document has been received in the national stage application from the International Bureau.

/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.
12/305,732	12/19/2008	Kimio Sakakibara	03284.0105-00000	7279

22852 7590 05/04/2011

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

EXAMINER	
DECKER, PHILLIP	
ART UNIT	**PAPER NUMBER**
3749	

MAIL DATE	DELIVERY MODE
05/04/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

In re Application of:
SAKAKIBARA, KIMIO
Serial No.: 12/305,732
Filed: Dec. 19, 2008
Docket: 03284.0105-00000
Title: AIR OUTLET STRUCTURE OF AIR CONDITIONER

:: 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 May 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 Steve McAllister, the SPE of Art Unit 3749 and 571-272-6785 for Class 454/284 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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ACCU-BREAK TECHNOLOGIES, INC.
1000 SOUTH PINE ISLAND ROAD
SUITE 230
PLANTATION FL 33324

MAILED

DEC 28 2010

OFFICE OF PETITIONS

In re Application of	:	
Allan S. Kaplan et al.	:	
Application No. 12/305,747	:	DECISION ON PETITION
Filed: December 19, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. ABT-067	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 9, 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 declaration by inventor Allan S. Kaplan attesting to his age. The above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 1619 for action on the merits commensurate with this decision.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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CHOATE, HALL & STEWART/CITRIX SYSTEMS, INC.
TWO INTERNATIONAL PLACE
BOSTON MA 02110

MAILED

NOV 26 2010

OFFICE OF PETITIONS

In re Application of :
Harold Samuel GAMBLE, et al :
Application No. 12/305,799 : DECISION ON PETITION
Filed: March 12, 2009 : TO WITHDRAW
Attorney Docket No. 2006982-0022 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed November 10, 2010.

The request is **NOT APPROVED**.

The Office will no longer approve requests from practitioners to withdraw from applications where the requesting practitioner is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34. In these situations, the practitioner is responsible for the correspondence the practitioner files in the application while acting in a representative capacity. As such, there is no need for the practitioner to obtain the Office's permission to withdraw from representation. However, practitioners acting in a representative capacity, like practitioners who have a power of attorney in the application, remain responsible for noncompliance with 37 CFR 1.56, as well as 37 CFR 10.18, with respect to documents they file.

A review of the file record indicates that Brenda Herschbach Jarrell does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

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

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

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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	:	
TSUI, Pui-Hung Manus et al.	:	
Application No. 12/305,867	:	DECISION ON PETITION
Filed: June 22, 2010	:	TO WITHDRAW
Attorney Docket No. **M006/7021US0**	:	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

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AUG 15 2011

OFFICE OF PETITIONS

In re Application of :
TSUI, Pui-Hung Manus et al. :
Application No. 12/305,867 : DECISION ON PETITION
Filed: June 22, 2010 : TO WITHDRAW
Attorney Docket No. **M006/7021US0** : 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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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100 Cambridge Street
Suite 2101
BOSTON MA 02114

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SEP 12 2011

OFFICE OF PETITIONS

In re Application of	:	
Pui Hung Manus TSUI et al.	:	
Application No. 12/305,867	:	DECISION ON PETITION
Filed: June 22, 2010	:	TO WITHDRAW
Attorney Docket No. **M006/7021US0**	:	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 Pui-Hung Manus Tsui 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: **PUI-HUNG MANUS**
36 – 7691 MOFFATT ROAD
RICHMOND, BRITISH COLUMBIA
CANADA

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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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	:	
KESHMIRI, Mehrdad et al.	:	
Application No. 12/305,877	:	DECISION ON PETITION
Filed: March 29, 2010	:	TO WITHDRAW
Attorney Docket No. **M006-7022US0**	:	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

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100 CAMBRIDGE STREET
SUITE 2101
BOSTON MA 02114

MAILED

AUG 15 2011

OFFICE OF PETITIONS

In re Application of :
KESHMIRI, Mehrdad et al. :
Application No. 12/305,877 : DECISION ON PETITION
Filed: March 29, 2010 : TO WITHDRAW
Attorney Docket No. **M006-7022US0** : FROM RECORD
:

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

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RISSMAN HENDRICKS & OLIVERIO, LLP
100 Cambridge Street
Suite 2101
BOSTON MA 02114

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SEP 14 2011

OFFICE OF PETITIONS

In re Application of	:	
Mehrdad KESHMIRI et al.	:	
Application No. 12/305,877	:	DECISION ON PETITION
Filed: March 29, 2010	:	TO WITHDRAW
Attorney Docket No. **M006-7022US0**	:	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 Mehrdad Keshmiri 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: **MEHRDAD KESHMIRI**
9855 STILL CREEK AVENUE
BURNABY, BRITISH COLUMBIA, V3J 1C9
CANADA

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

MAR 04 2011

PCT LEGAL ADMINISTRATION

KATTEN MUCHIN ROSENMAN LLP
(C/O PATENT ADMINISTRATOR)
2900 K STREET NW, SUITE 200
WASHINGTON DC 20007-5118

In re Application of :
SANOY, Cory :
U.S. Application No.: 12/305,940 : DECISION ON
PCT No.: PCT/CA2007/000622 :
Int. Filing Date: 17 April 2007 : PETITION UNDER
Priority Date: 17 April 2006 :
Attorney Docket No.: 204694-00218 : 37 CFR 1.47(b)
For: ENHANCING SOFTWARE :
APPLICATION FEATURES AND :
CONTENT OBJECTS :

This is a decision on applicant's renewed Petition Under 37 CFR 1.47(b), filed in the United States Patent and Trademark Office (USPTO) on 22 December 2010.

BACKGROUND

On 02 July 2010, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required.

On 22 December 2010, applicant filed this petition under 37 CFR 1.47(b).

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by: (1) the fee under 37 CFR 1.17(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, (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

Items (1), (2), (3) and (6) have been satisfied. (1) The $200 petition fee will be charged to deposit account no. 50-1710, as authorized. (2) Applicants state and support the assertion that the inventor refused to sign the declaration after presentation with a complete copy of the application papers. (3) Applicant states the last known address of Cory Sanoy as 2206, 14A Street, SW; Calgary, Alberta T2T 3W8; Canada. (6) Applicant has made the showing that the petition is necessary to preserve the rights of the parties.

Item (4) has not been satisfied. Applicants have not presented an oath or declaration executed by the 37 CFR 1.47(b) applicant on behalf of the non-signing inventor, in compliance with 37 CFR 1.497(a)-(b).

Item (5) has not been satisfied. Applicant has not provided appropriate evidence of proprietary interest in the application. MPEP 409.03(f). Further, when rights vest through a labor contract, applicant must furnish a statement from someone with firsthand knowledge that the invention was made during the employment and within the scope of the employment.

CONCLUSION

For the above reasons, applicant's petition under 37 CFR 1.47(b) is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Failure to timely 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(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.

/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

MAILED

JUN 14 2011

PCT LEGAL ADMINISTRATION

KATTEN MUCHIN ROSENMAN LLP
(C/O PATENT ADMINISTRATOR)
2900 K STREET NW, SUITE 200
WASHINGTON DC 20007-5118

In re Application of :
SANOY, Cory :
U.S. Application No.: 12/305,940 : DECISION ON
PCT No.: PCT/CA2007/000622 :
Int. Filing Date: 17 April 2007 : PETITION UNDER
Priority Date: 17 April 2006 :
Attorney Docket No.: 204694-00218 : 37 CFR 1.47(b)
For: ENHANCING SOFTWARE :
APPLICATION FEATURES AND :
CONTENT OBJECTS :

This is a decision on applicant's renewed Petition Under 37 CFR 1.47(b), filed in the United States Patent and Trademark Office (USPTO) on 14 April 2011.

BACKGROUND

On 04 March 2011, the Office mailed Decision On Petition Under 37 CFR 1.47(b), dismissing applicant's petition without prejudice.

On 14 April 2011, applicant filed this renewed petition under 37 CFR 1.47(b).

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by: (1) the fee under 37 CFR 1.17(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, (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

Items (1), (2), (3) and (6) have been satisfied. (1) The $200 petition fee will be charged to deposit account no. 50-1710, as authorized. (2) Applicants state and support the assertion that the inventor refused to sign the declaration after presentation with a complete copy of the application papers. (3) Applicant states the last known address of Cory Sanoy as 2206, 14A Street, SW; Calgary, Alberta T2T 3W8; Canada. (6) Applicant has made the showing that the petition is necessary to preserve the rights of the parties.

Items (4) and (5) have now been satisfied.

CONCLUSION

For the above reasons, applicant's petition under 37 CFR 1.47(b) is **GRANTED**.

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

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

This application is being forwarded to the National Stage Processing Branch of the Office of Patent Application Processing 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 **14 April 2011**.

/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
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MAILED

JUN 14 2011

PCT LEGAL ADMINISTRATION

Cory Sanoy
2206, 14A Street, SW
Calgary, Alberta T2T 3W8
Canada

In re Application of
SANOY, Cory
U.S. Application No.: 12/305,940
PCT No.: PCT/CA2007/000622
Int. Filing Date: 17 April 2007
Priority Date: 17 April 2006
Attorney Docket No.: 204694-00218
For: ENHANCING SOFTWARE APPLICATION FEATURES AND CONTENT OBJECTS

Dear Mr. Sanoy:

You are named as an inventor in the above-captioned United States national stage 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. 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

KATTEN MUCHIN ROSENMAN LLP
(C/O PATENT ADMINISTRATOR)
2900 K STREET NW, SUITE 200
WASHINGTON DC 20007-5118

Doc Code: PPH.PET.652
Document Description: Petition to make Special under Patent Pros Hwy

PTO/SB/20EP (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.:	12/305,956-Conf. #9446	Filing Date:	December 20, 2008
First Named Inventor:	Radim Lichy		
Attorney Docket No.:	43315-264654		
Title of the Invention:	DEVICE FOR ELECTRIC FIELD CONTROL		

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 PATENT 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.

The corresponding PCT application number(s) is/are: PCT/EP2007/055770

The international date of the corresponding PCT application(s) is/are: JUNE 12, 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.

[x] 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.

[x] Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. 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.**

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

[ ] Is attached.

[x] Has already been filed in the above-identified U.S. application on December 20, 2008

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

[ ] Are attached.

[x] Have already been filed in the above-identified U.S. application on December 20, 2008

PTO/SB/20EP (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 contains a valid OMB control number.

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

Application No.:	12/305,956-Conf. #9446
First Named Inventor:	Radim Lichy

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Same except for removal of reference characters and formal language changes
2	2	Same except for removal of reference characters and formal language changes
3	3	Same except for removal of reference characters, formal language changes and removal of multiple dependency
4	4	Same except for removal of reference characters, formal language changes, and removal of multiple dependency
5	5	Same except for removal of reference characters, formal language changes, and removal of multiple dependency
6	6	Same except for removal of reference characters, formal language changes, and removal of multiple dependency
7	7	Same except for formal language changes and removal of multiple dependency
8	8	Same except for removal of multiple dependency and rewriting in independent form
9	9	Same except for removal of multiple dependency and rewriting in independent form
10	10	Same except for formal language changes, removal of multiple dependency, and rewriting in independent form

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

Signature	/Eric J. Franklin/	Date	December 3, 2010
Name (Print/Typed)	Eric J. Franklin	Registration Number	37,134

UNITED STATES PATENT AND TRADEMARK 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.
12/305,956	12/20/2008	Radim Lichy	43315-264654	9446

26694 7590 01/04/2011

VENABLE LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

EXAMINER	
ART UNIT	PAPER NUMBER
2835	

MAIL DATE	DELIVERY MODE
01/04/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

VENABLE LLP
P.O. BOX 34385
WASHINGTON DC 20043-9998

In re Application of	**: DECISION ON REQUEST TO**
Radim LICHY	**: PARTICIPATE IN THE PATENT**
Application No.: 12/305,956	**: PROSECUTION HIGHWAY**
Filed: 20 Decemeber 2008	**: PROGRAM AND PETITION**
Attorney Docket No.: 43315-264654	**: TO MAKE SPECIAL UNDER**
For: DEVICE FOR ELECTRIC FIELD CONTROL	**: 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 December 2010, 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, 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.

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), applicant has failed to ensure that the claims in the U.S. application sufficiently correspond to the claims that have novelty, inventive step, and industrial applicability in the PCT application. For example, claim 1 of the PCT recites "one end" and "its other end" while claim 1 of the instant application recites "first end" and "second end." These differences represent a change in scope since PCT claim 1 is limited to two ends while instant claim 1 is not limited to two ends.

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	:	
	:	
Radim Lichy	:	Attorney Docket No.: 43315-264654
	:	
Application No.: 12/305,956	:	Art Unit: 2835
Filed: December 20, 2008	:	Examiner: to be assigned

TITLE: A DEVICE FOR ELECTRIC FIELD CONTROL

RENEWED REQUEST TO PARTICIPATE IN THE
PATENT PROSECUTION HIGHWAY PROGRAM AND
PETITION TO MAKE SPECIAL UNDER 37 C.F.R. § 1.102(A)

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

Sir:

In response to the decision dated January 4, 2011, Applicants submit a supplemental preliminary amendment presenting only claims indicated to have novelty, inventive step and industrial applicability.

In the supplemental preliminary amendment, claims 1-5, 8, and 9 to correspond to the claims indicated to have novelty, inventive step and industrial applicability. All pending claims correspond to the subject matter recited in the corresponding numbered claims in the PCT application rewritten in independent form and with reference characters deleted, with formal language changes and/or multiple dependencies removed as indicated in the request submitted December 3, 2010, the entire contents of which are incorporated herein by reference.

Applicants hereby request that the previously submitted request to participate in the patent prosecution highway-PCT program and petition to make the above-identified application special under the PPH-PCT program be granted.

The undersigned authorizes the Commissioner to charge fee insufficiency and credit overpayment associated with this communication to Deposit Account No. 22-0261.

Respectfully submitted,

Date: February 4, 2011

/Eric J. Franklin/
Eric J. Franklin, Reg. No. 37,134
Attorney for Applicant
Venable LLP
575 Seventh Street, NW
Washington, DC 20004
Telephone: 202-344-4936
Facsimile: 202-344-8300

UNITED STATES PATENT AND TRADEMARK 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.
12/305,956	12/20/2008	Radim Lichy	43315-264654	9446

26694 7590 06/07/2011

VENABLE LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

EXAMINER	
MILLISER, THERON S	
ART UNIT	PAPER NUMBER
2835	
MAIL DATE	DELIVERY MODE
06/07/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

VENABLE LLP
P.O. BOX 34385
WASHINGTON DC 20043-9998

In re Application of	**: DECISION ON REQUEST TO**
Radim LICHY	**: PARTICIPATE IN THE PATENT**
Application No.: 12/305,956	**: PROSECUTION HIGHWAY**
Filed: 20 Decemeber 2008	**: PROGRAM AND PETITION**
Attorney Docket No.: 43315-264654	**: TO MAKE SPECIAL UNDER**
For: DEVICE FOR ELECTRIC FIELD CONTROL	**: 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 December 2010 and renewed on 04 February 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, 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.

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), applicant has failed to ensure that the claims in the U.S. application sufficiently correspond to the claims that have novelty, inventive step, and industrial applicability in the PCT application. Specifically, claim 10 of the PCT requires the structure of at least PCT claim 1 while claim 10 of the instant does not.

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 06/21/11

TO SPE OF : ART UNIT 2828

SUBJECT : Request for Certificate of Correction for Appl. No.: 12306010 Patent No.: 7876796

CofC mailroom date: 06/13/11

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580
You can fax the Director/SPE response to 571-270-9930

Note: Claim 2

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.

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

Comments:

Formatted: Indent: Left: 88 pt

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

/Jessica Stultz/ SPE AU 2628

Deleted: _

SPE Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KITAE LIM
LUNDBECK RESEARCH USA, INC.
ATTENTION: STEPHEN G. KALINCHAK, LEGAL
215 COLLEGE ROAD
PARAMUS, NJ 07652

MAILED

JAN 10 2011

PCT LEGAL ADMINISTRATION

In re Application of:	:	
KEHLER, Jan	:	DECISION ON
PCT Application No.: PCT/DK2007/000351	:	
US Application No.: 12/306,021	:	PETITION
Int. Filing Date: 10 July 2007	:	
Priority Date claimed: 10 July 2006	:	UNDER
Atty Docket No.: 546-US-PCT	:	
For: (3-ARYL-PIPERAZIN-1-YL),	:	
(2-ARYL-MORPHOLIN-4-YL) AND	:	37 CFR § 1.182
(2-ARYL- THIOMORPHOLIN-4-YL) DERIVATIVES	:	
OF 6,7-DIALKOXYQUINAZOLINE,	:	
6,7- DIALKOXYPHTALAZINE AND	:	
6,7-DIALKOXYISOQUINOLINE	:	
	:	

This decision is in response to applicant's "PETITION UNDER 37 C.F.R. 1.182 TO CORRECT EFS-WEB TRANSMITTAL LETTER" received on 23 September 2010.

BACKGROUND

On 22 December 2008, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission included, inter alia, a transmittal letter. The transmittal letter indicates the international application number as PCT/DK2007/000351. However, the Electronic Filing Acknowledgement Receipt indicates the international application number as PCT/DK2007/006372

On 14 September 2010, this Office mailed a communication which identified the above – noted discrepancy.

On 23 September 2010, applicant submitted the instant petition under 37 CFR 1.182.

DISCUSSION

The instant petition states that the present application should in fact be the national stage application of international application **PCT/DK2007/000351**. Applicant's explanation for the inadvertent error is accepted.

CONCLUSION

For this reason, applicant's petition under 37 CFR 1.182 is **GRANTED**.

This application has an International Filing date under 35 U.S.C. 363 of 10 July 2007, and a date under 35 U.S.C. 371 (c)(1), (c)(2), and (c)(4) of 22 December 2008.

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.

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

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.
12/306,042	05/21/2010	Jonathan Peter Deutsch	021404-0024P	1177

34284 7590 01/31/2012

Rutan & Tucker, LLP.
611 ANTON BLVD
SUITE 1400
COSTA MESA, CA 92626

EXAMINER	
DENNISON, JERRY B	
ART UNIT	PAPER NUMBER
2443	
MAIL DATE	DELIVERY MODE
01/31/2012	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Rutan & Tucker, LLP.
611 ANTON BLVD
SUITE 1400
COSTA MESA CA 92626

In re Application of: DEUTSCH, J. P., et. al.
Application No. **12/306,042**
Filed: December 22, 2008
Atty Docket No: 021204-0024P0
Title of Invention: VARIOUS METHOD AND APPARATUSES FOR ACCESSING NETWORKED DEVICES WITHOUT ACCESSIBLE ADDRESSES VIA VIRTUAL IP ADDRESSES

DECISION ON PETITION
TO MAKE SPECIAL
(ACCELERATED EXAMINATION)
UNDER M.P.E.P. §708.02 (VIII)

This is a response to original petition filed **12/22/08** under 37 C.F.R. §1.102(d) and M.P.E.P. §708.02 (VIII): Accelerated Examination, to make the above-identified application special.

The Petition is **DISMISSED AS MOOT**.

A petition to withdraw the original petition mentioned above was filed on **07/06/11**, indicating that "Applicants mistakenly believed those infringement issues flowed to this present application, they did not. Therefore, we would like to withdraw this claim for the invention."

In view of the original petition filed **12/22/08** under 37 C.F.R. §1.102(d) and M.P.E.P. §708.02 (VIII): Accelerated Examination, to make the above-identified application special is dismissed as moot. Current status of instant application is status 41, non-final mailed January 25, 2012.

Regarding your request for refund, please see 37 CFR 1.26 Refunds and/or the Refunds Section of the Receipts Division of the Office of Finance.

Refund Branch
http://www.uspto.gov/about/offices/cfo/finance/receipts_division.jsp#heading-3

The **Refund Branch** functions as the receiving office for most refund requests. The Branch is responsible for coordinating, processing and providing status of refund requests, and answering customer inquiries about refunds.

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Phone: 571-272-6500
Fax: 571-273-6500

Our customer service hours are Monday - Friday from 8:30 a.m. to 5:00 p.m. EST

For the above mentioned reasons this petition is *dismissed as moot*.
Any inquiry regarding this decision should be directed to undersigning Beatriz Prieto, Workgroup Quality Assurance Specialist (WQAS), at (571) 272-3902. A second point of contact is WQAS Christopher Grant whose number is (571) 272-7294.

/bp/

/Beatriz Prieto/

Beatriz Prieto, Quality Assurance Specialist
Technology Center 2400

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United States Patent and Trademark Office
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www.uspto.gov

Rutan & Tucker, LLP.
611 ANTON BLVD
SUITE 1400
COSTA MESA CA 92626

MAILED
MAR 26 2012
OFFICE OF PETITIONS

In re Application of
Jonathan Peter Deutsch, et al.
Application No. 12/306,042
Filed: May 21, 2010
Attorney Docket No. 021404-0024P

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed February 10, 2012.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks a forwarding correspondence address of the first named inventor or a properly intervening assignee.

If the forwarding correspondence address is to the assignee, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *that properly became of record under 37 CFR 3.71.* 37 CFR 3.71(c) states:

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

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

Also, certification box numbers 1 and 2 was left unchecked on the PTO/SB/83 form.

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

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

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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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HOWARD & HOWARD ATTORNEYS PLLC
450 WEST FOURTH STREET
ROYAL OAK MI 48067

MAILED

NOV 15 2010

OFFICE OF PETITIONS

In re Application of :
Morita et al. :
Application Number: 12/306049 :
Filing Date: 12/22/2008 :
Attorney Docket Number: :
DC10457PCT/071051.00138

ON PETITION

This is a decision in reference to the PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE ACTION, filed on September 2, 2010.

The petition is **granted**.

This application was held abandoned on April 26, 2010, for failure to timely respond to the non-final Office action mailed on January 25, 2010, which set a three (3)-month statutory period for reply. No reply having been received, Notice of Abandonment was mailed on August 17, 2010.

Petitioners' registered patent practitioner, David M. LaPrairie, asserts that a thorough search has been performed of the file jacket and application contents for the above referenced patent application. Also, the docket records for a seven-month period of time were thoroughly reviewed. No communications from the USPTO during this time period relating to the subject application were found, however. A copy of the docket report and master docket record have been supplied with the petition.

A review of the record indicates no irregularity in the mailing of the non-final Office action mailed on January 25, 2010, and in the absence of any irregularity in the mailing, there is a strong presumption that the non-final Office action mailed on January 25, 2010 were properly mailed to the address of record. This presumption may be overcome by a showing that the non-final Office action mailed on January 25, 2010, were not in fact received.

Petitioners have made a sufficient showing that the non-final Office action mailed on January 25, 2010, was not received.

Accordingly, there was no abandonment in fact. The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

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

The application is being referred to Technology Center Art Unit 1796 for remailing of the non-final Office action mailed on January 25, 2010. The period for reply will be reset from the mailing date thereof.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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HOWARD & HOWARD ATTORNEYS PLLC
450 West Fourth Street
Royal Oak MI 48067

MAILED

APR 12 2012

OFFICE OF PETITIONS

In re Application of	:	
Lawrence Joseph Rapson	:	
Application No. 12/306,057	:	DECISION GRANTING PETITION
Filed: October 7, 2009	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No.	:	
DC10451PCT/071049.00094		

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, April 11, 2012 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on March 12, 2012 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 1765 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/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.*

Attorney Docket No. P22430-US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Johan Torsner	§	Group Art Unit:	Not Yet Assigned
Application No:	12/306071	§	Examiner:	Not Yet Assigned
Filed:	08-07-2009	§	Confirmation No.	1311

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Via EFS-Web

Mail Stop PCT
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313.1450

CERTIFICATE OF TRANSMISSION BY EFS-WEB

I hereby certify that this paper or fee is being transmitted to the United States Patent and Trademark Office electronically via EFS-Web.

Date: **December 16, 2010**

Signature: **/Todd A. Cason, Reg No 54,020/**

Name: Todd A. Cason

Dear Sir:

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

In accordance with the U.S.P.T.O.'s "Backlog Reduction Stimulus Plan," as set forth in the Official Gazette Notices of December 22, 2009 (*see* 1349 Off. Gaz. Pat. Off. 304), February 23, 2010 (*see* 1351 *Off. Gaz. Pat. Off.* 202), and July 20, 2010 (*see* 1356 *Off. Gaz. Pat. Off.* 173) (collectively the "*Official Gazette Notices*"), Applicant submits this Petition to Make Special (this "Petition") and requests that the above-referenced application (the "Present Application") be accorded special status under 37 C.F.R. § 1.102.

As required by the *Official Gazette Notices*, the following conditions have been satisfied:

1) The Present Application is a non-provisional application that has an actual filing date earlier than October 1, 2009;

2) Applicant is the assignee of another non-provisional application, U.S. Pat. Appl. No. 12/092,848 (the "Abandoned Application") that has an actual filing date earlier than October 1, 2009 and is complete under 37 C.F.R. § 1.53;

3) Applicant is currently the sole assignee of both the Present Application and the Abandoned Application and has been since before October 1, 2009;

4) On the date this Petition to Make Special was filed, Applicant also filed a Declaration of Express Abandonment Under 37 C.F.R.§ 1.138 (the "Abandonment Declaration") expressly abandoning the Abandoned Application. Applicant believes the Abandonment Declaration was filed prior to the Abandoned Application being taken up for examination. Additionally, in accordance with the *Office Gazette Notices*, the Abandonment Declaration included:

a) A statement that Applicant has not and will not file an application that claims the benefit of the filing date of the Abandoned Application under any provision of Title 35 of the U.S.C.;

b) A statement that Applicant agrees not to, in the future, request a refund of any fees paid in the Abandoned Application; and

c) A statement that Applicant has not and will not file a new application claiming the same inventions as is currently claimed in the Abandoned Application; and

5) Applicant now files this Petition under 37 C.F.R. § 1.102 in the Present Application. As part of this Petition, Applicant respectfully notes that:

a) The basis under which special status is being sought is the express abandonment of another copending application pursuant to the Backlog Reduction Stimulus Plan established by the *Official Gazette Notices* conditioned on the granting of this Petition;

b) A copy of the Abandonment Declaration is submitted herewith;

c) The Present Application and the Abandoned Application have both been owned by Telefonaktiebolaget LM Ericsson, as sole assignee, since before October 1, 2009, which qualifies the Present Application for special status pursuant to the Backlog Reduction Stimulus Plan;

d) As indicated above, the Abandoned Application was assigned the application number, U.S. Pat. Appl. No. 12/092,848;

e) Applicant has not filed petitions requesting special status under the Backlog Reduction Stimulus Plan in more than fourteen (14) other applications; and

f) Applicant agrees to make an election without traverse via a telephone interview if the U.S.P.T.O. deems the claims of the Present Application to be directed to two or more independent and distinct inventions.

Applicant respectfully notes that, pursuant to the *Official Gazette Notices*, the fee requirement for petitions to make special under 37 C.F.R. § 1.102 is waived, and Applicant believes no further fees are necessary at this time. However, the Commissioner is hereby authorized to deduct any necessary fees from, or to credit any overcharges to, Deposit Account No. 50-1379.

Respectfully submitted,

/Todd A. Cason, Reg No 54,020/

Todd A. Cason
Reg. No. 54,020

Ericsson Inc.
6300 Legacy Drive
M/S EVR 1-C-11
Plano, TX 75024
972-583-8510

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ERICSSON INC.
6300 LEGACY DRIVE
M/S EVR 1-C-11
PLANO TX 75024

MAILED

JAN 14 2011

OFFICE OF PETITIONS

In re Application of :
TORSNER, et al. :
Application No. 12/306,071 :
Filed: August 7, 2009 :
Attorney Docket No. **P22430-US1** :

DECISION ON PETITION
TO MAKE SPECIAL
37 CFR 1.102

This is a decision on the petition under 37 CFR 1.102, filed December 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 **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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BORDEN LADNER GERVAIS LLP
Anne Kinsman
WORLD EXCHANGE PLAZA
100 QUEEN STREET SUITE 1100
OTTAWA ON K1P 1J9 CA CANADA

MAILED

APR 12 2011

OFFICE OF PETITIONS

In re Application of:	:
Wlodek Kurjanowicz	: ON REQUEST FOR
Application No. 12/306114	: FOR RECONSIDERATION OF
Filing or 371(c) Date: 12/22/2008	: PATENT TERM ADJUSTMENT
Atty. Docket No.:	:
PAT 3671W-2	:

This letter is in response to the "REQUEST FOR RECONSIDERATION OF PTA UNDER 36 CFR 1.705(b)," filed February 15, 2011. Applicants submit that the correct patent term adjustment should be 140 days, not zero (0) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicants request this correction based upon an assertion that the Office erred in failing to calculate an adjustment of 140 days pursuant to 37 CFR 1.702(a)(1). The Application for Patent Term Adjustment, including the request for reconsideration of PTA, is properly treated under 37 C.F.R. § 1.705(b).

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

The Office has updated the PALM and PAIR screens to reflect that the Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is one hundred forty **(140)** days. A copy of the updated PALM screen, showing the correct determination, is enclosed.

On November 15, 2010, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date is zero **(0)** days.

On February 15, 2011, applicants timely submitted the present application for patent term adjustment[1]. Applicants assert that the Office erred in failing to calculate an adjustment of 140 days pursuant to 37 CFR 1.702(a)(1). Applicants note that the Office failed to mail at least one

[1] Office records show that the Issue Fee payment was received in the Office on February 15, 2011.

notification under 35 U.S.C. 132 not later than fourteen months after the filing or 371(c) date pursuant to 37 CFR § 1.702(a)(1).

Applicants' arguments have been carefully considered. A review of Office records confirm that the "Date of Completion of all 35 U.S.C. 371 Requirements," or fulfillment date, as shown on the Notice of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495, mailed July 17, 2009, is December 22, 2008. The Office agrees that the Office failed to 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 fulfilled the requirements of 35 U.S.C. 371, and the entry of a period of adjustment of 140 days is appropriate.

In view thereof, the correct Patent Term Adjustment at the time of the mailing of the Notice of Allowance is one hundred forty (140) days, subject to any terminal disclaimer.

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

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

Telephone inquiries specific to this matter should be directed to Attorney Derek Woods at (571) 272-3232.

Anthony Knight
Director
Office of Petitions

Enclosure: Copy of Adjustment PAIR Calculations

Patent Term Adjustments

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

Application Number*: 12306114 Search Explanation of PTA Calculation Explanation of PTE Calculation

PTA Calculations for Application: 12306114

Application Filing Date	12/22/2008	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	140
B Delays	0	Applicant Delay (APPL)	0
C Delays	0	Total PTA (days)	140

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
53	04/08/2011		P028	Adjustment of PTA Calculation by PTO	140		0
44	11/15/2010		MN/=.	Mail Notice of Allowance			0
43	11/08/2010		IREV	Issue Revision Completed			0
42	11/08/2010		N/=.	Notice of Allowance Data Verification Completed			0
41	11/08/2010		CNTA	Allowability Notice			0
40	11/08/2010		DVER	Document Verification			0
39	11/05/2010		P574	Paralegal TD Accepted			0
36	10/13/2010		FWDX	Date Forwarded to Examiner			0
38	10/12/2010		DIST	Terminal Disclaimer Filed			0
37	10/12/2010		C614	New or Additional Drawing Filed			0
35	10/12/2010		A...	Response after Non-Final Action			0
34	07/12/2010		ELC_RVW	Electronic Review			0
33	07/12/2010		EML_NTF	Email Notification			0
32	07/12/2010		MCTNF	Mail Non-Final Rejection			0
31	07/06/2010		CTNF	Non-Final Rejection			0
27	04/22/2010		IDSC	Information Disclosure Statement considered			0
21	04/22/2010		EIDS.	Electronic Information Disclosure Statement			0
20	04/22/2010		WIDS	Information Disclosure Statement (IDS) Filed			0
19	03/29/2010		DOCK	Case Docketed to Examiner in GAU			0
18	03/23/2010		DOCK	Case Docketed to Examiner in GAU			0
23	01/15/2010		IDSC	Information Disclosure Statement considered			0
17	01/15/2010		EIDS.	Electronic Information Disclosure Statement			0
14	01/15/2010		WIDS	Information Disclosure Statement (IDS) Filed			0
13	10/23/2009		EML_NTR	Email Notification			0
12	10/22/2009		PG-ISSUE	PG-Pub Issue Notification			0
11	07/24/2009		OIPE	Application Dispatched from OIPE			0
10	07/17/2009		EML_NTR	Email Notification			0
9	07/17/2009		EML_NTR	Email Notification			0
6	07/17/2009		FLRCPT.O	Filing Receipt			0
5	07/17/2009		M903	Notice of DO/EO Acceptance Mailed			0
7	07/16/2009		PGPC	Sent to Classification Contractor			0
8	06/22/2009		371COMP	371 Completion Date			0

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OFFICE OF PETITIONS

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

In re Application of :
Vladimir FAERMAN :
Application No. 12/306,135 : DECISION ON PETITION
Filed: October 16, 2009 : TO WITHDRAW
Attorney Docket No. O045 1010US : 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 20, 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 a proper change of correspondence address. In this regard, the change of address provided is that of an assignee who has not been properly made of record under 37 CFR 3.71.

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-listed address until otherwise notified by 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: MARK D. JENKINS
WOMBLE CARLYLE SANDRIDGE
& RICE, PLLC
DURHAM, NC 27713

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Rutan & Tucker, LLP.
611 ANTON BLVD
SUITE 1400
COSTA MESA CA 92626

MAILED
MAR 26 2012
OFFICE OF PETITIONS

In re Application of :
Jonathan Peter Deutsch, et al. :
Application No. 12/306,145 :
Filed: May 21, 2010 :
Attorney Docket No. 021404-0024P3 :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed February 10, 2012.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks a forwarding correspondence address of the first named inventor or a properly intervening assignee.

If the forwarding correspondence address is to the assignee, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *that properly became of record under 37 CFR 3.71.* 37 CFR 3.71(c) states:

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

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

Also, certification box numbers 1 and 2 was left unchecked on the PTO/SB/83 form.

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

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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FAEGRE & BENSON LLP
PATENT DOCKETING - INTELLECTUAL PROPERTY
2200 WELLS FARGO CENTER
90 SOUTH SEVENTH STREET
MINNEAPOLIS MN 55402-3901

MAILED
MAY 31 2011
OFFICE OF PETITIONS

In re Application of :
OLIVER SCHMETZER ET AL. :
Application No. 12/306,176 : NOTICE
Filed: March 5, 2009 :
Attorney Docket No. **80324-374308** :

This is a notice regarding your request filed February 10, 2011, for acceptance of a fee deficiency submission under 37 CFR 1.28.

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

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

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

Inquiries related to this communication should be directed to the undersigned at (571) 272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

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.
12/306,180	12/22/2008	Kenjiro Shiba	Q111282	1205

23373 7590 06/08/2011

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

EXAMINER	
COLON SANTANA, EDUARDO	
ART UNIT	**PAPER NUMBER**
2837	

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):

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

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

In re Application of	**: DECISION ON REQUEST TO**
SHIBA et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/306,180	**: PROSECUTION HIGHWAY**
Filed: 22 December 2008	**: PROGRAM AND PETITION**
Attorney Docket No.: Q111282	**: TO MAKE SPECIAL UNDER**
For: MOTOR DRIVE DEVICE	**: 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 13 May 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application is
    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim;
2. Applicant must submit a copy of:

a. The allowable/patentable claim(s) from the JPO application(s);
b. An English translation of the allowable/patentable claim(s) and
c. A statement that the English translation is accurate;

3. Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
      ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
   c. A statement that the English translation is accurate;
6. Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

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

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

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

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS, Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

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

MAILED
OCT 06 2010
OFFICE OF PETITIONS

Applicant: Byrne, et al.
Appl. No.: 12/306,186
International Filing Date: June 12, 2007
Title: GENETICALLY MODIFIED HEART
Attorney Docket No.: 07039-0702US1/2006-252
Pub. No.: US 2009/0324674 A1
Pub. Date: December 31, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on February 25, 2010, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors on the front page of the publication wherein the name of the first inventor "Guerard W. Byrne" was misprinted as "Guerare W. Burne".

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 spelling of the first inventor's name is incorrect may be Office error, but is not a material Office error under 37 CFR 1.221. The typographical error of the inventor's name does not affect the understanding of the 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.

[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 Declaration submitted by applicant on July 6, 2009 is defective. An oath or declaration under 37 CFR 1.63 by each actual inventor must be presented. While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity. Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration (by combining the signature pages). See MPEP 201.03(II)(B) and MPEP 605.04(a).

On September 24, 2009, a Filing Receipt was mailed by the Office which incorrectly listed the inventive entity. To avoid this type of problem in the future applicant's representative should correct the error and make a request for a corrected filing receipt prior to export of the application to the publisher and publication of the application.

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

A 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 10/21/10

Paper No.: —

TO SPE OF : ART UNIT 2855

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/306,201 Patent No.: 7798006 B2

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Virginia Tolbert
Certificates of Correction Branch
571-272-0460

Thank You For Your Assistance

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

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

Comments: _____

Tim M. Gutt AU 2855

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

In re Application of:
NABURS, Tijs, et al.
U.S. Application No.: 12/306,204
PCT No.: PCT/EP2007/005387
International Filing Date: 19 June 2007
Priority Date: 23 June 2006
Attorney's Docket No.: 4662-1011
For: AQUEOUS CROSSLINKABLE VINYL GRAFT COPOLYMER COMPOSITIONS

DECISION
(37 CFR 1.181)

This decision is issued in response to the "Request (Petition) To Withdraw Erroneously Issued Notification Of Abandonment" filed 29 June 2009, considered herein under 37 CFR 1.181. No petition fee is required.

BACKGROUND

On 19 June 2007, applicants filed international application PCT/EP2007/005387. The international application claimed a priority date of 23 June 2006, and it designated the United States. On 27 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., 23 December 2008.

On 22 December 2008, applicants filed materials to initiate the U.S. national stage of PCT/EP2007/005387 using the EFS-Web electronic filing system. The submission included, among other items, a Form PTO-1390 Transmittal Letter. The Transmittal Letter contained the express authorization for the USPTO to charge Deposit Account No. 14-1140 for "any deficiency ... in the fee(s) filed, or asserted to be filed, or which should have been filed herewith."

On 05 June 2009, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Abandonment (Form PCT/DO/EO/909) stating that the application was abandoned based on applicants' failure to pay the full basic national fee prior to the expiration of thirty months from the priority date.

On 29 June 2009, applicants filed the "Request (Petition) To Withdraw Erroneously Issued Notification Of Abandonment" considered herein under 37 CFR 1.181. The petition asserts that applicants' filed a proper authorization to charge Deposit Account 14-1140 for all

required fees, including the basic national fee, prior to the expiration of the thirty-month deadline and that the holding of abandonment was therefore erroneous and should therefore be withdrawn.

DISCUSSION

A review of the present application file confirms that applicants' 22 December 2008 submission included the authorization for the USPTO to charge Deposit Account No. 14-1140 for all required fees, including the basic national fee. This authorization was filed in the USPTO prior to the expiration of thirty months from the priority date, and the application file does not include any indication that any attempt by the USPTO to charge the Deposit Account the required fees was denied for lack of sufficient funds.

In view of the above, the authorization to charge Deposit Account No. 14-1140 for all required fees, including the basic national fee, filed on 22 December 2008 is accepted as payment of the basic national fee prior to the expiration of thirty month from the priority date. The holding of abandonment, based as it was on applicants' purported failure to pay the basic national fee prior to the expiration of thirty months from the priority date, is appropriately withdrawn, as requested by applicants in the present petition.

CONCLUSION

The petition to withdraw the holding of abandonment under 37 CFR 1.181 is **GRANTED**.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 05 June 2009 is hereby **VACATED**.

Deposit Account No. 14-1140 will be charged the $330 basic national fee required to avoid abandonment of the application.

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.

/RichardMRoss/

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

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Dr. BANGER SHIA
Patent Office of Bang Shia
102 Lindencrest Ct.
Sugar Land TX 77479-5201

MAILED

AUG 09 2011

OFFICE OF PETITIONS

In re Application of :
Yushun Chang :
Application No. 12/306,255 : DECISION ON PETITION
Filed: April 8, 2009 :
Attorney Docket No. **SW-971608 (SW-165)** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 25, 2011, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed May 25, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on August 26, 2010.

The petition is hereby **GRANTED**.

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

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

This application is being referred to Technology Center AU 3672 for appropriate action by the Examiner in the normal course of business.

JoAnne Burke
Petitions Examiner
Office of Petitions

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SURGISENSE CORPORATION
4434 VOLTA PLACE , NW
WASHINGTON DC 20007

MAILED

JUN 01 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	
Zand et al.	:	
Application No.: 12/306,256	:	DECISION
PCT No.: PCT/US2007/071718	:	
Int. Filing Date: 21 June 2007	:	ON
Priority Date: 21 June 2006	:	
Attorney Docket No.: N/A	:	PETITION
For: Wireless Medical Telemetry System And Methods Using Radio Frequency Energized Biosensors	:	

The petition to revive under 37 CFR 1.137(b) filed on 31 March 2011 in the above-captioned application is hereby **GRANTED** as follows:

Petitioner states that "the entire delay in filing the required reply from the due date for the reply until the filing of 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 **23 December 2008.**

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/306,265	12/23/2008	Keiichiro Aoki	10837.0002-00000	2092

22852 7590 10/13/2011

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

EXAMINER	
LEON JR, JORGE LUIS	

ART UNIT	PAPER NUMBER
3748	

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

In re Application of	:	
AOKI, KEIICHIRO	:	DECISION ON REQUEST TO
Application No. 12/306,265	:	PARTICIPATE IN PATENT
Filed: December 23, 2008	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 10837.0002-00000	:	PROGRAM AND PETITION
For: CATALYST DETERIORATION DETECTION DEVICE	:	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 11, 2011 to make the above-identified application special.

The request and petition are granted.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO/PCT application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO/PCT application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.
In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

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

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4485. All other inquiries concerning the examination or status of the application should be directed to Thomas Denion, SPE of Art Unit 3748, and 571-272-4859 for Class 060 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Petition is **granted**.

/Henry C. Yuen/

_____

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

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MAY 24 2011

OFFICE OF PETITIONS

MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH NC 27627

In re Application of
James Pollard
Application No. 12/306,305
Filed: February 25, 2009
Attorney Docket No. 9052-285

DECISION ON PETITION
TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 29, 2011.

The request is **APPROVED**.

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

The request was signed by Needham J. Boddie, II on behalf of all attorneys of record who are associated with Customer Number 20792.

All attorneys/agents associated with the Customer Number 20792 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the applicant at the address indicated below.

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

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

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Mr. James Pollard
12 Beckett Road, Doncaster
South Yorkshire DN2 4AA United Kingdom

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OFFICE OF PETITIONS

ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

Applicant(s): DEPREZ, et al.
Appl. No.: 12/306,333
International Filing Date: July 4, 2007
Title: COMPOUNDS HAVING A POTENTIATING EFFECT ON THE ACTIVITY OF ETHIONAMIDE AND USES THEREOF
Attorney Docket No.: 033339/366965
Pub. No.: US 2011/0136823 A1
Pub. Date: June 9, 2011

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

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors on the front page of the publication wherein the names and residence cities of several joint inventors have been 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 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 misprint of the names of Bertrand Dirie, Patrick Toto, Vincent Villeret, Camille Locht (and residence city "Bruxelles") and Alain Baulard (and residence city "Templeuve") may be Office errors, but are not material errors under 37 CFR 1.221(b). The typographical errors of the inventors' names (and residence cities) do 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

[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 determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

On March 1, 2011, a Filing Receipt was mailed by the Office, which improperly listed the names and residence cities for some of the joint inventors. To avoid this type of problem in the future, applicant's representative should correct the error, if applicable and make a request for a corrected filing receipt prior to export of the application to the publisher and publication of the application. The requests for a Corrected Filing Receipt on May 26, 2011 and June 28, 2011, respectively, were received too late for the Office to update the Office's records and for use in the publication.

Applicant is encouraged to use and submit an eADS (PTO/SB/14) as an EFS-Web Fillable Form, rather than a scanned PDF image, to benefit from having the data loaded directly into USPTO electronic systems. For questions, contact the Patent EBC (Electronic Business Center):

Telephone: 1-866-217-9197 (toll-free) or E-mail: ebc@uspto.gov.
571-272-4100 (local)

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

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

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

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication".

Inquiries relating to this matter may be directed to Sherry D. Brinkley at (571) 272-3204.

/Christopher Bottorff/

Christopher Bottorff
Petitions Examiner
Office of Petitions

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WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI, L.L.P.
20333 SH 249 6th Floor
HOUSTON TX 77070

MAILED
NOV 07 2011
OFFICE OF PETITIONS

In re Application of :
Jianguo Zhang et al. :
Application No. 12/306,353 : DECISION ON PETITION
Filed: December 23, 2008 :
Attorney Docket No. 592-0003US :

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

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before October 18, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed July 18, 2011. Accordingly, the date of abandonment of this application is October 19, 2011. A Notice of Abandonment was mailed on October 27, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $870 and the publication fee of $300, (2) the petition fee of $930, and (3) a proper statement of unintentional delay. Accordingly, the issue and publication fees are accepted as being unintentionally delayed.

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

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

/Kimberly A. Inabinet/

Kimberly A. Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

FEB 02 2011

PCT LEGAL ADMINISTRATION

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

In re Application of :
DAGORN et al. : DECISION ON
Serial No.: 12/306,373 :
PCT No.: PCT/FR07/01045 : DECLARATION
Int. Filing Date: 25 June 2007 :
Priority Date: 26 June 2006 :
Atty Docket No.:Q111414 :
For: DEVICE FOR ATTACHING A MOULD :
BASE ON A MEDIUM :

This decision is in response to applicant's "Submission of Supplemental Declaration" filed 02 December 2010. Applicant's request for a four month extension of time is granted.

The procedural history of this application was set forth in the decisions mailed on 05 March 2010 and 18 June 2010 and are incorporated herein by reference. The decision mailed on 18 June 2010 indicated that the declaration was unacceptable as it was altered.

Applicant filed a newly executed dual language declaration by the previous nonsigning inventor JULIEN SALEIX. A review of the declaration reveals that the declaration identifies all the inventors named in the international application and states the residency, citizenship and mailing address of each inventor. The French/English language declaration contains a statement regarding the accuracy of the English translation. The declaration is executed by the previously non-signing inventor Saleix and satisfies the requirements of 37 CFR 1.497 (a) and (b). The declaration submitted on 02 December 2010 is acceptable as filed.

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 02 December 2010

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: (571) 272-3286

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

PTO/SB/420 (08-10)
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: 095143-0203	Application Number (if known): 12/306,477	Filing date: 11/4/2009

First Named Inventor: Knuth, Mark E.

Title: FATTY ACID BLENDS AND USES THEREFOR

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

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

1. By filing this petition:

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

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements 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: SEE	Date: 4/19/10
Name (Print/Typed): Stephen E. Reiter	Registration Number: 31,192

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

☐ *Total of _____ forms are submitted.

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

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

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.

Instruction Sheet for
Petition to Make Special Under the Green Technology Pilot Program

(Not to be Submitted to the USPTO)

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

(1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371. The application must be previously filed before the publication date of the notice cited above. Reexamination proceedings are excluded from this pilot program.

(2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.

(3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.

(4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.

(5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.

(6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

Privacy Act Statement

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

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

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

Atty. Dkt. No. 095143-0203

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Knoth et al.
Title:	FATTY ACID BLENDS AND USES THEREFOR
Appl. No.:	12/306,477
International Filing Date:	June 27, 2007
371(c) Date:	November 4, 2009
Examiner:	Toomer, Cephia D.
Art Unit:	1771
Conf. No.:	3915

STATEMENT OF SPECIAL STATUS

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

Sir:

Applicant respectfully requests that a special status be granted for this application under the Green Technology Pilot Program because the application materially contributes to discovery or development of renewable energy resources, in particular the development of renewable biomass, as provided in Section III (1) of the Federal Register Notice (Vol. 74, No. 234 at p. 64667).

Accordingly, Applicant respectfully requests to make this application special under the Green Technology Pilot Program.

Respectfully submitted,

Date 8/18/10

By

FOLEY & LARDNER LLP
Customer Number: 30542
Telephone: (858) 847-6711
Facsimile: (858) 792-6773

Stephen E. Reiter, Reg. No. 31,192
Attorney for Applicant

UNITED STATES PATENT AND TRADEMARK 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.
12/306,477	11/04/2009	Mark E. Knuth	095143-0203	3915

30542 7590 11/26/2010

FOLEY & LARDNER LLP
P.O. BOX 80278
SAN DIEGO, CA 92138-0278

EXAMINER	
TOOMER, CEPHIA D	
ART UNIT	PAPER NUMBER
1771	

MAIL DATE	DELIVERY MODE
11/26/2010	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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FOLEY & LARDNER LLP
P.O. BOX 80278
SAN DIEGO CA 92138-0278

NOV 26 2010

In re Application of	:	
Mark E. Knuth et al.	:	DECISION ON PETITION
Application No. 12/306,477	:	TO MAKE SPECIAL UNDER
Filed: December 23. 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. 095143-0203	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed November 19, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

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

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

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

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

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

The application is being forwarded to the examiner 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

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.
12/306,562	12/24/2008	Matthias Scholz	810758(21252/0210936-US0)	4845

95402 7590 11/08/2010

LEYDIG, VOIT AND MAYER
TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STETSON AVENUE
CHICAGO, IL 60601

EXAMINER	
KIM, KIHO	

ART UNIT	PAPER NUMBER
2884	

MAIL DATE	DELIVERY MODE
11/08/2010	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Erik R. Swanson
LEYDIG, VOIT & MAYER, LTD.
Two Prudential Plasa, Suite 4900
180 North Stetson Avenus
Chicago, Illinois 60601-6731

In re Application of:
MATTHIAS SCHOLZ
Serial No.: 12/306562
Filed: 24 December 2008
Attorney Docket No.: **812758(21252/0210936-US0)**

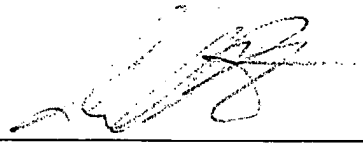
DECISION ON PETITION
FOR USE OF COLOR DRAWINGS UNDER 37
C.F.R 1.84(a)(2)

This is a decision in response to the petition under 37 C.F.R. 1.84(a)(2) 04 October 2010. The petition fee has been paid.

The petition is **GRANTED**.

The Petition sets forth an explanation regarding why the color drawings are necessary, the required fee, and the required paragraph is provided in the specification, and the petition includes one set of color drawings.

Accordingly, the color drawings are accepted as formal drawings in the above-referenced application.



David P. Porta, Supervisor
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

25 AUG 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

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

In re Application of :
Griesbach et al. :
Application No.: 12/306,616 :
PCT No.: PCT/EP2007/056390 :
Int. Filing Date: 27 June 2007 : DECISION
Priority Date: 04 July 2006 :
Attorney Docket No.: 335963US0PCT :
For: Electrochemical Preparation Of :
Sterically Hindered Amines :

This is in response to the "Request To Correct Filing Date" filed on 18 March 2010 and the "Request For Corrected Notice of Acceptance" filed on 14 July 2009.

BACKGROUND

International application PCT/EP2007/056390 was filed on 27 June 2007, claimed an earlier priority date of 04 July 2006, and designated the United States. The International Bureau transmitted a copy of the published international application to the USPTO on 10 January 2008. The period for payment of the basic national fee in the United States expired as of midnight on 04 January 2009. Applicants filed *inter alia* a basic national fee on 24 December 2008.

On 06 April 2009, applicants filed *inter alia* a declaration.

On 08 April 2009, 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 05 May 2009, applicants filed a response, including a copy of a declaration.

On 02 July 2009, a Filing Receipt and a Notice of Acceptance (Form PCT/DO/EO/903) showing a 35 U.S.C. 371(c)(1), (2) and (4) date of "05/05/2009" were mailed to applicants.

DISCUSSION

Applicants assert that the "correct filing date of the application should be: April 6, 2009 the date of the filing of the executed Declaration." Review of the declaration filed on 06 April 2009 was facially defective in that it nominated "Jörn Kulisch" in place of "KULISCH, Joerg" nominated in the published international application, and no adequate explanation of this discrepancy has been provided. *See* MPEP 605.04(b) and (c). In addition, the declaration does not appear to have been accompanied by the statement required under 37 CFR 1.69(b). These observations also apply to the declaration filed on 05 May 2009. For these reasons, the declarations are not accepted. The Filing Receipts mailed on 02 July 2009, 30 September 2009, 15 October 2009 and 31 March 2010, and the Notice of Acceptance mailed on 02 July 2009 were all issued in error, and all are hereby **VACATED**.

DECISION

The declarations filed on 06 April 2009 and 05 May 2009 are **NOT ACCEPTED** under 37 CFR 1.497(a) and (b), without prejudice, as described above.

A proper response (as described herein) must be filed within **ONE (1) MONTH** from the mail date of this decision. Extensions of time may **NOT** be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**. This period for response is analogous to that which would be set in a Notification of Defective Response (Form PCT/DO/EO/916).

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

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

NOV 19 2010

PCT LEGAL ADMINISTRATION

In re Application of
Griesbach et al.
Application No.: 12/306,616
PCT No.: PCT/EP2007/056390
Int. Filing Date: 27 June 2007
Priority Date: 04 July 2006
Attorney Docket No.: 335963US0PCT
For: Electrochemical Preparation Of Sterically Hindered Amines

DECISION

This is in response to the correspondence filed on 21 September 2010.

DISCUSSION

In a Decision mailed on 25 August 2010, applicants were advised that

> Review of the declaration filed on 06 April 2009 [reveals that it] was facially defective in that it nominated "Jörn Kulisch" in place of "KULISCH, Joerg" nominated in the published international application, and no adequate explanation of this discrepancy has been provided. *See* MPEP 605.04(b) and (c). In addition, the declaration does not appear to have been accompanied by the statement required under 37 CFR 1.69(b). These observations also apply to the declaration filed on 05 May 2009. For these reasons, the declarations are not accepted.

In response, counsel has provided an acceptable statement under 37 CFR 1.69(b).

Applicants have also described the equivalence between the spellings Jörn and Joern, and have indicated that the spelling (Joerg) appearing in the international application represents a mere typographical or transliteration error. Counsel asserts that the correct spelling of the inventor's name is in fact Jörn, the version that appears in the declaration filed on 06 April 2009. In view of counsel's statements, it would be appropriate to accept the spelling of the inventor's name as it appears on the declaration, under the policy described at MPEP 1893.01(e).

DECISION

The declaration filed on 06 April 2009 is **ACCEPTED** under 37 CFR 1.497(a) and (b).

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 **06 April 2009**.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ZHEN ZHENG LU
1730 HUNTINGTON DRIVE #304
DUARTE, CA 91010

MAILED

OCT 03 2011

OFFICE OF PETITIONS

In re Application of :
Jingfeng Xu :
Application No. 12/306,694 : DECISION ON PETITION
Filed: December 25, 2008 : TO MAKE SPECIAL UNDER
Attorney Docket No. LZUP19-PAT76 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 27, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement from inventor Jingfeng Xu stating that he 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 Irvin Dingle at 571-272-3210. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 3771 for action on the merits commensurate with this decision.

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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FAY SHARPE LLP
1228 Euclid Avenue, 5th Floor
The Halle Building
Cleveland OH 44115

MAILED

MAR 22 2012

OFFICE OF PETITIONS

In re Application of :
Ollis, et al. : DECISION ON PETITION
Application No. 12/306,711 :
Filed: February 20, 2009 :
Atty. Dkt. No.: UDLZ 200054US01 :

This is a decision on the petition under 37 CFR 1.137(b), filed March 5, 2012.

The petition is **GRANTED**.

This application became abandoned March 3, 2012 for failure to timely reply to the Notice of Allowance and Issue Fee Due (Notice) mailed December 2, 2011. The Notice set a three (3) month statutory period of time for reply. Notice of Abandonment was mailed March 8, 2011.

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

The instant petition has been carefully reviewed and found in compliance with the requirements set forth above.

In view thereof, this application is being forwarded to the Office of Data Management for further processing.

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

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ERIC HANSCOM
2141 PALOMAR AIRPORT ROAD, SUITE 320
CARLSBAD, CA 92011

MAILED

MAR 08 2011

OFFICE OF PETITIONS

In re Application of	:	
Jonathan David Chelf	:	DECISION ON PETITION
Application No. 12/306,712	:	TO WITHDRAW
Filed: December 26, 2008	:	FROM RECORD
Attorney Docket No. None	:	

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 1, 2011.

The request is **NOT APPROVED**.

The Office strongly encourages practitioner(s) requesting withdrawal from representation as practitioner of record in an application to review the record to determine whether he or she is, in fact, of record and how he or she was made of record. For example, the practitioner(s) should determine whether he or she was appointed by naming each practitioner individually or through the use of a Customer Number.

In the instant application, the practitioner(s) were appointed via Customer Number however the request does not designate a Customer Number to be withdrawn by. Therefore, the current request cannot be approved at this time. Any subsequent request must withdraw all associated practitioner(s) in the same manner as appointed.

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

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

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

Alicia Kelley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ERIC HANSCOM
2141 PALOMAR AIRPORT ROAD, SUITE 320
CARLSBAD, CA 92011

MAILED

APR 20 2011

OFFICE OF PETITIONS

In re Application of	:	
Jonathan David Chelf	:	DECISION ON PETITION
Application No. 12/306,712	:	TO WITHDRAW
Filed: December 26, 2008	:	FROM RECORD
Attorney Docket No. 20090320380	:	

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 15, 2011.

The request is **APPROVED**.

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

The request was signed by Eric Hanscom on behalf of all the practitioners of record associated with Customer Number 33873.

Customer Number 33873
has been withdrawn as attorney from record. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There 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: DAVID CHELF
509 S. CEDROS AVE. #E
SOLANA BEACH, CA 92075

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
12/306,712	12/26/2008	Jonathan David Chelf	

CONFIRMATION NO. 6024

POWER OF ATTORNEY NOTICE

33873
ERIC HANSCOM
2141 Palomar Airport Road, Suite 320
CARLSBAD, CA 92011

OC000000047252109

Date Mailed: 04/20/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/15/2011.

- 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.

/atkelley-collier/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
www.uspto.gov

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

MAILED
JUL 18 2011
OFFICE OF PETITIONS

In re Patent No. 7,947,808 :
Issue Date: May 24, 2011 :
Application No. 12/306,863 : DECISION ON PETITION
Filed: December 29, 2008 :
Attorney Docket No. 081356-0319 :

This is a decision on the Petition To Correct Name Of Assignee On An Issued Patent Under 37 C.F.R. §1.183 and Request For Certificate Of Correction Pursuant To 37 C.F.R. §1.323, filed June 6, 2011, to accept the omission of the second assignee's name. A completed Certificate of Correction Form (Modified PTO/SB/44) was submitted with Petition.

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

Petitioner urges that the present Petition was submitted to accept the omission of the second assignee's name on the previously submitted PTOL 85B and such error was inadvertent. Accordingly, petitioner urges that a Certificate of Correction (PTO/SB/44) be issued to add the omitted second assignee's name to the Title Page of the Letters Patent.

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

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

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

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

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

This matter is being referred to the Certificates of Correction Branch for processing of a Certificate of Correction in U.S. Patent No. 7,947,808.

Cheryl Gibson-Baylor
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.
12/306,929	12/29/2008	David Wallach	WALLACH 39	8041

1444 7590 10/05/2011

Browdy and Neimark, PLLC
1625 K Street, N.W.
Suite 1100
Washington, DC 20006

EXAMINER	
BUNNER, BRIDGET E	
ART UNIT	PAPER NUMBER
1647	
MAIL DATE	DELIVERY MODE
10/05/2011	PAPER

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

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

United States Patent and Trademark Office

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

OCT 0 5 2011

Iver P. Cooper
Browdy and Neimark, PLLC
1625 K Street, N.W.
Suite 1100
Washington DC 20006

In re Application of :
WALLACH :Decision on Petition
Serial No.: 12/306,929 :
Filed : 29 December 2008 :
Attorney Docket No.: WALLACH=39 :

This letter is in response to the Petition under 37 C.F.R. 1.144 and 1.181 filed on 16 August 2011 requesting reconsideration of the restriction requirement mailed 3 August 2010 and the completeness of the 18 July 2011 Office action and its finality.

BACKGROUND

This application was filed as a national stage application in compliance with 35 U.S.C. 371 and as such is entitled to consideration under unity of invention practice of PCT rules.

On 3 August 2010, the examiner set forth a restriction requirement which divided claims 40-45, 47-54 and 56-64 into four groups and then required an election of a specific intracellular pathogen and a type of capase-8 inhibitor.

On 14 September 2010, applicants elected Group I, and the species of *Listeria*. Both elections were made with traverse. Applicant stated that the election for a particular type of caspase-8 inhibitor did not apply for this elected group.

On 17 November 2010, the examiner considered the traversal and made the restriction requirement final. Claims 54 and 56-64 were withdrawn from consideration under 37 CFR 1.42(b). Claims 40 and 47 were objected to for reciting non-elected inventions. Claims 40-45, 47-53 were examined on the merits. Claims 40-45 and 49-51 were rejected under 35 U.S.C. 112, 2nd paragraph as being indefinite. Claims 40-45 and 47-53 were rejected under 35 U.S.C. 112, 1st paragraph for lack of enablement. Claims 40-45 and 47-53 were rejected under 35 U.S.C. 112, 1st paragraph for lack of written description. Claims 40, 44, 47 and 51 were rejected under 35 USC 102(b) as being anticipated by Herr et al. Claims 40-42 and 47 were rejected under 35

USC 102(e) as being anticipated by Wallach et al ('087). Claims 40 and 47 were rejected under 35 USC 102(e) as being anticipated by Wallach et al ('199 and '175). Claims 40-45 and 47-53 were rejected as being unpatentable over a series of US Patents. Claims 6-12 and 15-17 were provisionally rejected as being unpatentable over claims 67-82 of copending application 12/282,747.

On 18 July 2011, the examiner prepared a final Office action where the examiner maintained the objection to non-elected inventions being recited in the alternative of Claims 40 and 47. Claim 54 was withdrawn from consideration under 37 CFR 1.42(b). Claims 41, 44, 45, 49-51 and 70-72 were rejected under 35 U.S.C. 112, 2nd paragraph as being indefinite. Claims 40-45 and 47-53 and 65-75 were rejected under 35 U.S.C. 112, 1st paragraph for lack of enablement. Claim 75 is rejection under 35 U.S.C. 112, 4th paragraph as being of improper dependent form for not further limiting the subject matter upon which it depends. No prior art rejections were made on the claims.

On 16 August 2011, applicants filed a response, an amendment to the claims, along with this petition.

DISCUSSION

The file history of the instant application has been considered carefully.

Independent claim 40 is shown below:

> 40. (Previously Presented) A method for treating inflammation of a tissue or organ, except skin, comprising administering to a patient suffering from an inflammation of a tissue or organ other than skin a therapeutically effective amount of at least one agent selected from the group consisting of: (i) caspase-8, a mutein comprising an amino acid sequence at least 90% identical to that of caspase-8, or a functional derivative or salt of caspase-8 or said mutein, wherein said functional derivative is derived by one or more derivatizations selected independently from the group consisting of attachment of polyethylene glycol to an amino acid side chain, esterification with an aliphatic ester of a carboxyl group, amidation of a carboxyl group, N-acyl derivatization of an amino group, and O-acyl derivatization of a hydroxyl group; (ii) an agent capable of up-regulating caspase-8 level and/or activity; and (iii) an inhibitor of a natural inhibitor of caspase-8 level and/or activity, whereby inflammation of a tissue or organ except skin is treated.

At the onset, it is noticed that the examiner has restricted between types of agents which are listed as alternatives of a Markush claim 40. Groups I, II, and III, as described in the restriction requirement, are set forth below:

> Group I, claim(s) 40-45 and 47-54, drawn to a method for preventing and/or treating inflammation and a method for treating infection comprising administering caspase-8 or a mutein thereof.
>
> Group II, claim(s) 40-45 and 47-54, drawn to a method for preventing and/or treating inflammation and a method for treating infection comprising administering an agent capable of up-regulating caspase-8 level or activity.
>
> Group III, claim(s) 40-45 and 47-54, drawn to a method for preventing and/or treating inflammation and a method for treating infection comprising administering an inhibitor of a natural inhibitor of caspase-8 level or activity.

Concerning the propriety of a restriction requirement made between alternatives of a single claim, 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). If the examiner does not find the species or group of indistinct species in the prior art, then the examiner should extend the search to those additional species that fall within the scope of a permissible Markush claim. In other words, the examiner should extend the search to the species that share a single structural similarity and a common use. The improper Markush claim should be examined for patentability over the prior art with respect to the elected species or group of indistinct species, as well as the species that share a single structural similarity and a common use with the elected species or group of indistinct species (i.e., the species that would fall within the scope of a proper Markush claim)."

In view of these new guidelines, the restriction requirement made between Groups I, II, and III is unwarranted and is re-formatted as a provisional election of species requirement.

Turning now to the merits of the petition, the petition correctly points out that unity of invention exists when there is no prior art that anticipates or renders obvious the shared technical feature. In this instance, the final Office action did not raise any prior art rejection on the elected invention. Concerning the requirement to elect a single species of pathogen, the examiner acknowledged that Claim 47 was generic to intracellular pathogens while Claim 48 recited a listing of six different intracellular pathogens.

> 48. (Original) The method according to claim 47, wherein the intracellular pathogen is selected from *Mycobacteria, Listeria, Leishmania, Legionella, Salmonella* and virus.

Lastly, the petition questions the completeness of the Final Office action and whether finality is premature. Because no prior art was found teaching the elected member of Claim 48's Markush group, given the guidance in the Federal Register Notice, the examiner should have extended examination of the Markush claim. Additionally, claim 54 was withdrawn from examination, although no prior art rejection was made upon independent claim 47.

> 54. (Withdrawn) The method according to claim 47, wherein the intracellular pathogen is a virus.

Instead of extending the examination, in the final Office action, the examiner limited scope of examination as follows:

> Claims 40-45, 47-53, and 65-75 are under consideration in the instant application as they read upon the elected invention of administration of caspase-8 or a mutein thereof and the elected species of *Listeria* (as the intracellular pathogen).

DECISION

The petition filed on 16 August 2011 under 37 CFR 1.144 and 1.181 is **GRANTED**.

The intraclaim restriction required between Group I, II and III on 3 August 2010 has been withdrawn in view of the FR Notice and re-formatted as a provisional election of species requirement.

The objection to Claims 40 and 47 for reciting non-elected inventions is withdrawn.

The finality of the Office action dated 18 July 2011 is withdrawn as premature.

The application will be forwarded to the examiner to consider the papers filed 16 August 2011 in a manner consistent with this petition decision. Markush claims will be examined according to the February 2011 Federal Register Notice.

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

George Elliott
Director, Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

4-19-2011

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Patent No : 7,911,038 B2
Ser. No. : 12/306,987
Inventor(s) : Katsumi Kikuchi, et. al.
Issued : March 22, 2011

Re: Request for Certificate of Correction

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

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid,* including after issuance of the patent.

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

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.17(i) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

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

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

By fax: (703) 872-9306
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, , no additional fee is required.

Eva James
For Mary Diggs
Decisions & Certificates
of Correction Branch
(571) 272-3422 or 703- 756 -1580

Young & Thompson
209 Madison Street, Suite 500
Alexandria, VA 22314

ej

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NIELSEN IP LAW LLC
1177 WEST LOOP SOUTH
SUITE 1600
HOUSTON TX 77027

MAILED

NOV 08 2011

OFFICE OF PETITIONS

In re Application of	:	
William BORNMANN et al.	:	
Application No. 12/307,001	:	DECISION ON PETITION
Filed: December 30, 2008	:	
Attorney Docket No. 07P17WOUS	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 01, 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 07, 2011, which set a shortened statutory period for reply of three (3) months. A three (3) month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on July 08, 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 $810.00; and (3) a proper statement of unintentional delay.

This application is being revived solely for purposes of continuity. As continuity has been established by this decision, the application is again abandoned in favor of continuing application No. 13/195,825 filed August 01, 2011.

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

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.
12/307,042	07/21/2009	Naoki Kimura	14875 -0199US1	9122

26161 7590 12/07/2011
FISH & RICHARDSON P.C. (BO)
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER	
DUFFY, BRADLEY	
ART UNIT	PAPER NUMBER
1643	

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):

PATDOCTC@fr.com

UNITED STATES PATENT AND TRADEMARK OFFICE

DEC - 7 2011

Commissioner for Patents
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FISH & RICHARDSON P.C. (BO)
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

In re Application of:
Kimura et al.
Serial No.: 12/307,042
Filed: July 21, 2009
Attorney Docket No.: **14875 -0199US1**

: PETITION DECISION

This is in response to the petition under 37 CFR § 1.59(b), filed July 14, 2009, to expunge information from the above identified application. This application has not been allowed. The delay in responding to this petition is regretted.

Petitioner requests that the proprietary materials filed on July 14, 2009 which are office actions and responses for an unpublished application filed on March 10, 2006, entitled "Method for Suppressing an Immune Response Using an HLA-Recognizing Antibody" be expunged. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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AUG 10 2010

COHEN, PONTANI, LIEBERMAN & PAVANE LLP
551 FIFTH AVENUE
SUITE 1210
NEW YORK NY 10176

In re application of
Jensen et al.
Application No. 12/307,058
Filed: March 25, 2009
For: TOWER CONSTRUCTION

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

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 22, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

In light of renewed petition, filed on June 22, 2010, the request to participate in the PPH program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

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

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

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

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

BM/BM: 8/10/10

Docket No.: 424662025200
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
William F. MILNE et al.

Application No.: 12/307,112 Confirmation No.: 9824

Filed: July 6, 2007 Art Unit: 3723

For: HANDHELD CLEANING APPLIANCE Examiner: David A. Redding

PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102

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

Dear Sir:

Pursuant to the expansion and extension of the Patent Application Backlog Reduction Stimulus Plan ("Project Exchange") published in 75 Red. Reg. 36063 (June 24, 2010) and 75 Fed. Reg. 71072 (November 22, 2010), Applicants request that this application ("'112 application") be accorded special status for examination.

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

- Special status is being sought for the '112 application based on the express abandonment of copending U.S. Patent Application No. 12/242,391 ("'391 application"), filed September 30, 2008, and entitled "DOMESTIC EQUIPMENT."

A copy of a Letter of Express Abandonment that is being concurrently filed in the '391 application is attached in the Appendix;[1]

- The '112 application and the '391 application are commonly owned by Dyson Technology Limited, a corporation with a place of business at Tetbury Hill Malmesbury, Wiltshire, SN16 0RP, United Kingdom.

- Applicants have not filed petitions in more than fourteen other applications requesting special status under Project Exchange; and

- Applicants agree to make an election without traverse in a telephonic interview if the Office determines that the claims of the '112 application are directed to two or more independent and distinct inventions.

Although the fee for this petition is waived under Project Exchange, the Commissioner is authorized to charge any fee due in connection with this filing to **Deposit Account No. 03-1952** referencing docket no. **424662025200**.

Dated: June 29, 2011

Respectfully submitted,

By _____

Adam Keser
Registration No.: 54,217
MORRISON & FOERSTER LLP
1650 Tysons Blvd, Suite 400
McLean, Virginia 22102
(703) 760-7703

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

APPENDIX

Docket No.: 424662023500
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
James DYSON et al.

Application No.: 12/242,391 Confirmation No.: 8608

Filed: September 30, 2008 Art Unit: 3742

For: DOMESTIC EQUIPMENT Examiner: Shawntina T. Fuqua

WRITTEN DECLARATION OF EXPRESS ABANDONMENT PURSUANT TO 37 CFR 1.138(A) IN EXCHANGE FOR SPECIAL STATUS IN U.S. PATENT APPLICATION NO. 12/307,112

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

Dear Sir:

Pursuant to the expansion and extension of the Patent Application Backlog Reduction Stimulus Plan ("Project Exchange") published in 75 Red. Reg. 36063 (June 24, 2010), Applicants request that this application ("'391 application") be expressly abandoned as of the filing date of this paper.

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

- The'391 application is being expressly abandoned in exchange for special status being accorded for U.S. Patent Application No. 12/307,112 ("'112 application"), filed July 31, 2009, and entitled "HANDHELD CLEANING APPLIANCE." A

Petition to Make Special under 37 CFR 1.102 is being filed concurrently herewith in the '112 application;[1]

- Applicants have not and will not file an application that claims the benefit of the '391 application under any provision of title 35, United States Code;
- Applicants agree not to request a refund of any fees paid in the '391 application; and
- Applicants have not and will not file a new application that claims the same invention claimed in the '391 application (the phrase "same invention" having the same meaning as used in the context of statutory double patenting under 35 USC 101).

Although no fee is believed due for this petition, the Commissioner is authorized to charge any fee due in connection with this filing to **Deposit Account No. 03-1952** referencing docket no. **424662023500**.

Dated: June 29, 2011

Respectfully submitted,

By _____

Adam Keser
Registration No.: 54,217
MORRISON & FOERSTER LLP
1650 Tysons Blvd, Suite 400
McLean, Virginia 22102
(703) 760-7703

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN VA 22102

MAILED
JUL 06 2011
OFFICE OF PETITIONS

In re Application of :
MILNE, et al. :
Application No. 12/307,112 :
35 U.S.C. 371 Date: July 31, 2009 :
Int. Appl. No.: PCT/GB2007/002543 :
Int. File Date: July 6, 2007 :
Attorney Docket No. **424662025200** :

DECISION ON PETITION
TO MAKE SPECIAL
37 CFR 1.102

This is a decision on the petition under 37 CFR 1.102, filed June 29, 2011, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009) and 75 Federal register Notice 36063 (June 24, 2010).

The petition is **GRANTED**.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Brian W. Brown
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : March 1, 2011

TO SPE OF : ART UNIT 1798 - SPE

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/307,147 Patent No.: 7,824,769 B2

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Should the claim changes be approved as requested by applicant? Preliminary amendment filed the same day as original claims were filed. *See COCIN dated 2-17-2011 and CLM 12-31-2008*

Antonio Johnson

_____
Certificates of Correction Branch
(571)272-0483

Thank You For Your Assistance

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

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

Comments: The examiner properly considered the amendment of 12/31/2008 and a Quayle action was sent out 4/23/10: Applicant filed an incorrect set of claims on 6/23/10 in response to the quayle action: The examiner properly noted the error and sent a Notice of non-compliance of 7/2/2010: the examiner properly required status identifiers and a showing of any amendments made in the notice of

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

7/2/2010; the applicant filed a reply to the notice of non-compliance on 8/2/2010 and included a correct copy of the preliminary amendment (which replaced the original claims) and was filed with appropriate status identifiers and markings of any amendments made. The Notice of Allowance issued on 8/12/2010 was responsive to the reply filed by applicant on 8/2/2010, which included a correct copy of the amended claims.

SPE__ /Angela Ortiz/ Art Unit ____1798

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : March 1, 2011

TO SPE OF : ART UNIT 1798 - SPE Angela Ortiz.

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/307,147 Patent No.: 7,824,769 B2

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Should the claim changes be approved as requested by applicant? Preliminary amendment filed the same day as original claims were filed. ***See COCIN dated 2-17-2011 and CLM 12-31-2008***

Antonio Johnson

_____
Certificates of Correction Branch
(571)272-0483

Thank You For Your Assistance

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

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

Comments: The examiner properly considered the amendment of 12/31/2008 and a Quayle action was sent out 4/23/10; Applicant filed an incorrect set of claims on 6/23/10 in response to the quayle action; The examiner properly noted the error and sent a Notice of non-compliance of 7/2/2010; the examiner properly required status identifiers and a showing of any amendments made in the notice of

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

7/2/2010: the applicant filed a reply to the notice of non-compliance on 8/2/2010 and included a correct copy of the preliminary amendment (which replaced the original claims) and was filed with appropriate status identifiers and markings of any amendments made. The Notice of Allowance issued on 8/12/2010 was responsive to the reply filed by applicant on 8/2/2010, which included a correct copy of the amended claims.

SPE__ /Angela Ortiz/ Art Unit ____1798

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PEPPER HAMILTON LLP
400 BERWYN PARK
89 CASSATT ROAD
BERWYN, PA 19312-1183

MAILED
NOV 30 2010
OFFICE OF PETITIONS

Applicants: Kay Brickmann, et al.
Appl. No.: 12/307,279
International Filing Date: July 2, 2007
Title: NEW PYRIDINE ANAGOGUES V
Attorney Docket: 133087.19211
Pub. No.: US 2009/0318464 A1
Pub. Date: December 24, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on February 24, 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

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LADAS & PARRY LLP
224 SOUTH MICHIGAN AVENUE
SUITE 1600
CHICAGO IL 60604

MAILED
MAR 09 2012
OFFICE OF PETITIONS

In re Application of :
John Rodney Keats :
Application No. 12/307288 :
Filing or 371(c) Date: 01/02/2009 : ON PETITION
Attorney Docket Number: CU-7233 BWH :

This is a decision on the petition under 37 CFR 1.137(b), filed January 18, 2012, to revive the above-identified application.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed May 23, 2011. The Office action set a three (3) month period for reply from the mail date of the Office action. Extensions of time were available under 37 CFR 1.136(a). No reply having been received, the application became abandoned on August 24, 2011. A Notice of Abandonment was mailed January 5, 2012.

Applicant files the present petition and includes an Amendment in response to the Office action.

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

It is noted that Applicant filed a three (3) month extension of time request and fee with the petition. Applicant is advised that an extension of time is only available to extend the period to reply to an Office action during the extendable period. Once the reply period, including the maximum extendable period, has lapsed, the application becomes abandoned (as of the day after the reply was due). No extensions of time are available. A refund of the extension of time fee has been credited to Applicant's deposit account.

The application is being referred to Technology Center Art Unit 3788 for processing of the Amendment filed with the petition in due course.

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

/DLW/

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/307,302	05/20/2009	Anne-Mette Juhl Nygaard-Petersen	024754.65305	2242

28172 7590 05/27/2011

BUTLER, SNOW, O'MARA, STEVENS & CANNADA PLLC
6075 POPLAR AVENUE
SUITE 500
MEMPHIS, TN 38119

EXAMINER	
DEUBLE, MARK A	
ART UNIT	PAPER NUMBER
3651	

MAIL DATE	DELIVERY MODE
05/27/2011	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

MAY 27 2011

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BUTLER, SNOW, O'MARA,
STEVENS & CANNADA PLLC
6075 POPLAR AVENUE
SUITE 500
MEMPHIS TN 38119

In re application of
Anne-Metta Juhl Nygaard-Petersen
Application No. 12/307,302
Filed: May 20, 2009
For: COTTON WOOL PAD DISPENSER

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed May 03, 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the DKPTO, or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the DKPTO 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 DKPTO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest Office action from each of the DKPTO 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 DKPTO examiner in the DKPTO 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 fail to include:

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

There is no patentable claim in the DKPTO that corresponding to the US claim 29. The "Claims Corresponding Table" of the petition failed to indicate a patentable claim in the DKPTO that corresponding to the US claim 29.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn. All replies to a decision to dismiss must be submitted by EFS-Web using the document description "Petition to make special under Patent Prosecution Highway."

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

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 05/26/11

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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.
12/307,302	05/20/2009	Anne-Mette Juhl Nygaard-Petersen	024754.65305	2242

28172 7590 07/12/2011

BUTLER, SNOW, O'MARA, STEVENS & CANNADA PLLC
6075 POPLAR AVENUE
SUITE 500
MEMPHIS, TN 38119

EXAMINER	
DEUBLE, MARK A	

ART UNIT	PAPER NUMBER
3651	

MAIL DATE	DELIVERY MODE
07/12/2011	PAPER

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

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

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JUL 12 2011

BUTLER, SNOW, O'MARA, STEVENS & CANNADA PLLC
6075 POPLAR AVENUE
SUITE 500
MEMPHIS TN 38119

In re application of	:	**DECISION ON REQUEST TO**
Anne-Mette Juhl Nygaard-Petersen	:	**PARTICIPATE IN PATENT**
Application No. 12/307,302	:	**PROSECUTION HIGHWAY**
Filed: May 20, 2009	:	**PROGRAM AND PETITION**
For: COTTON WOOL PAD DISPENSER	:	**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 June 02, 2011, to make the above-identified application special.

The request and petition are **DENIED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the DKPTO
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the DKPTO, 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 DKPTO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest Office action from each of the DKPTO 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 DKPTO examiner in the DKPTO Office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH pilot is not grantable as per item (4) above in that Examination of the U.S. application has already begun. A non-final Office action was mailed on June 20, 2011.

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

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

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 07/11/11

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PCT LEGAL ADMINISTRATION

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

In re Application of
Heggset et al.
Application No.: 12/307,326
PCT No.: PCT/NO2007/000225
Int. Filing Date: 22 June 2007
Priority Date: 04 July 2006
Attorney Docket No.: 5589-0105PUS1
For: Method And Device For Admixture Of Powder In a Liquid

DECISION ON PETITION

This is in response to the petition under 37 CFR 1.47(a) filed on 04 November 2009.

BACKGROUND

This international application was filed on 22 June 2007, claimed an earlier priority date of 04 July 2006, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 24 January 2008. The 30 month time period for paying the basic national fee in the United States expired at midnight on 04 January 2009. Applicants filed *inter alia* the basic national fee on 02 January 2009.

On 20 July 2009, 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) and the surcharge under 37 CFR 1.492(h).

On 24 November 2009, a Notice of Acceptance (Form PCT/DO/EO/903) was mailed.

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.

Regarding **requirement (1)**, the $200.00 petition fee has been paid.

Regarding **requirement (2)**, petitioner has provided a "Statement of Facts" signed by joint inventor Bjarne Heggset, who indicates that "on April 24, 2009, I sent a letter to Mr. Strand's last known address, along with... a specification, drawings and a Declaration." A translation of the letter (but no copy of the original) is provided, along with a signed statement by Mr. Strand to the effect that "I refuse to sign an Assignment" for the instant application. However, it is not clear whether the papers sent to Mr. Strand included a complete copy of the application, or merely the specification and drawings. In addition, refusal to execute an assignment does not establish refusal to execute an oath or declaration. For these reasons, it

would not be appropriate to conclude, on the basis of the present record, that requirement (2) has been satisfied.

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

Regarding **requirement (4)**, the "added page to combined declaration" filed on 04 November 2009 uses the name "Jo Hendrik VAAGLAND" rather than "Jo Henrik Vaagland," but no explanation of this discrepancy has been provided (e.g., whether it represents a mere typographical error).

The Notice of Acceptance (Form PCT/DO/EO/903) mailed on 24 November 2009 was issued in error, and it is hereby **VACATED**.

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)." No additional petition fee is required. 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
Fax: (571) 273-0459

United States Patent and Trademark Office

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Alexandria, VA 22313-1450
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MAR 11 2011

PCT LEGAL ADMINISTRATION

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

In re Application of
Heggset et al.
Application No.: 12/307,326
PCT No.: PCT/NO2007/000225
Int. Filing Date: 22 June 2007
Priority Date: 04 July 2006
Attorney Docket No.: 5589-0105PUS1
For: Method And Device For Admixture Of Powder In a Liquid

DECISION ON PETITION

This is in response to the renewed petition under 37 CFR 1.47(a) filed on 10 January 2011.

DISCUSSION

In a Decision mailed on 09 November 2010, the petition under 37 CFR 1.47(a) filed on 04 November 2009 was dismissed, without prejudice, because requirements (2) and (4) had not been satisfied.

In response, with respect to **requirement (2)**, petitioner has provided an "Updated Statement of Facts" signed by Lars Erik Hatlen, who indicates that he sent a copy of the application to Mr. Strand on 07 December 2010, and that on 22 December 2010, he received a reply in which Mr. Strand refused to execute the application. Also provided are copies of the letters, and an English translation of the 07 December 2010 letter. Upon review of the evidence now of record, including Mr. Strand's letter dated 20 December 2010, it would be appropriate to conclude that he has refused to execute the application within the meaning of 37 CFR 1.47(a).

Regarding **requirement (4)**, petitioner has provided what appears to be a copy of the "Added Page" of the declaration filed on 04 November 2009, which was later modified and dated by Mr. Vaagland. This constitutes an alteration of the declaration after it was signed. Alternatively, this sheet taken alone is not a complete declaration. Petitioner should either (1) provide a newly executed, complete declaration, or (2) if appropriate, simply provide a statement that the inventor's name was inadvertently misspelled on the earlier declaration. *See* MPEP 605.04(b).

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)." No additional

petition fee is required. 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
Fax: (571) 273-0459

United States Patent and Trademark Office

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MAR 30 2011

PCT LEGAL ADMINISTRATION

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

In re Application of
Heggset et al.
Application No.: 12/307,326
PCT No.: PCT/NO2007/000225
Int. Filing Date: 22 June 2007
Priority Date: 04 July 2006
Attorney Docket No.: 1747-0108PUS1
For: Method And Device For Admixture Of Powder In a Liquid

CORRECTED

DECISION

This is in response to the renewed petition under 37 CFR 1.47(a) filed on 10 January 2011.

DISCUSSION

The Decision mailed on 11 March 2011 is **VACATED**.

In a Decision mailed on 09 November 2010, the petition under 37 CFR 1.47(a) filed on 04 November 2009 was dismissed, without prejudice, because requirements (2) and (4) had not been satisfied.

In response, with respect to **requirement (2)**, petitioner has provided an "Updated Statement of Facts" signed by Lars Erik Hatlen, who indicates that he sent a copy of the application to Mr. Strand on 07 December 2010, and that on 22 December 2010, he received a reply in which Mr. Strand refused to execute the application. Also provided are copies of the letters, and an English translation of the 07 December 2010 letter. Upon review of the evidence now of record, including Mr. Strand's letter dated 20 December 2010, it would be appropriate to conclude that he has refused to execute the application within the meaning of 37 CFR 1.47(a).

Regarding **requirement (4)**, petitioner has provided what appears to be a copy of the "Added Page" of the declaration filed on 04 November 2009, which was later modified and dated by Mr. Vaagland. This constitutes an alteration of the declaration after it was signed. Alternatively, this sheet taken alone is not a complete declaration. However, petitioner also states that, on the declaration filed on 04 November 2009, "there was a typographical error in the name of the inventor, Jo Henrik VAAGLAND." In view of petitioner's characterization of the discrepancy as a typographical error (and the spelling offered as a "corrected version"), and under the policy described at MPEP 605.04(b), it would be appropriate to accept the declaration filed on 04 November 2009 in satisfaction of requirement (4).

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 his last known address of record.

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

This application is being returned to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **04 November 2009**.

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

Per Gunnar STRAND
Leikvollgata 65
N-3208 Sandefjord
NORWAY

MAILED

MAR 3 0 2011

PCT LEGAL ADMINISTRATION

In re Application of
Heggset et al.
Application No.: 12/307,326
PCT No.: PCT/NO2007/000225
Int. Filing Date: 22 June 2007
Priority Date: 04 July 2006
Attorney Docket No.: 1747-0108PUS1
For: Method And Device For Admixture
Of Powder In a Liquid

Dear Mr. Strand:

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

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

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FALLS CHURCH VA 22040-0747

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SEP 29 2011

OFFICE OF PETITIONS

In re Application of
Biarne Anders Heggset et al
Application No. 12/307,326
Filed: January 2, 2009
Attorney Docket No. 1747-0108PUS1

DECISION ON PETITION
UNDER 37 CFR 1.313(c)

This is a decision on the petition under 37 CFR 1.313(c), filed September 28, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on September 19, 2011, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 1733 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.*

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):
12/307,342	
First Named Inventor:	**Title of Invention:**
Noriyasu OTA	AGENT FOR IMPROVING MUSCLE FORCE

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 13, 2011
Name (Print/Typed) Harris A. Pitlick	Practitioner Registration Number 38,779

***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.

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

MAILED

APR 18 2011

OFFICE OF PETITIONS

In re Application of
Ota et al.
Application No. 12/307,342
Filed: January 2, 2009
Attorney Docket No. 336706US0PCT

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 November 23, 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 23, 2010. The period for reply will run from the mailing date of the Office action.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

26 AUG 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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Gifford, Krass, Sprinkle, Anderson & Citkowski, P.C
PO Box 7021
Troy, MI 48007-7021

In re Application of EDWARDS, Jeffrey :
Application No.: 12/307,379 :
PCT No.: PCT/GB2007/002516 : DECISION ON
Int. Filing Date: 05 July 2007 : RENEWED
Priority Date: 06 July 2006 : REQUEST FOR REFUND
Attorney Docket No.: CAF-36202/03 :
For: IMPROVED WORKOVER RISER :
COMPENSATOR SYSTEM :

This decision is issued in response to the "Renewed Request For Refund" filed 06 May 2010. No petition fee is required.

Applicant's "Renewed Request For Refund" is **DISMISSED** without prejudice.

The procedural background for this application is set forth in the Decision of Petition mailed 10 March 2010.

On 06 May 2010, applicants filed the present renewed request considered herein. The request seeks a refund of $4,332, the amount that applicant asserts Deposit Account no. 07-1180 was over-charged with respect to the claim (multiple dependent claims fee, independent claims fee, and total claims) fees.

As previously stated, applicants original submission of 05 January 2009 expressly authorized a charge to Deposit Account no. 07-1180 for any additional fees which may be required. As of that date, the application contained 76 excess claims, and the applicable fee was $4,332 ($390 multiple dependent claim fee, $1,760 independent claims fee, and $3,484 total claims). Applicants' preliminary amendment (filed 27 August 2009), which reduced the number of excess claims to 48, does not reduce the number of total claims subject to the excess total claims fee. This is because the preliminary amendment was not submitted until after the initial national stage submission. (See Manual of Patent Examining Procedures §1893.01(c).)

Further, petitioner contends that the "Fee Transmittal directed to U.S. Patent Office to only deduct $330 for National Stage filing fee and that no authorization to transact with the Deposit Account, 07-1180 was given." However, the Transmittal Letter (PTO-1390), executed by Ronald W. Citikowski, authorized the Office to charge any additional fees to which may be required. (See 37 CFR 1.25(b).) Nothing in the Fee Transmittal qualified or rescinded this expressly granted authority.

Lastly, applicants contend that "when a conflict occurs between the Fee Transmittal and the Transmittal Letter, the Fee Transmittal takes precedence with regard to matters of payment and therefore deduction from the Deposit Account is question was improper." Aside from the lack of conflict between the two documents, applicants have not cited any legal basis or authority to support the notion that a Fee Transmittal takes precedence over a Transmittal Letter with regard to the payment of fees. In fact, were it necessary for applicants to rely on the deposit account authorization in the Transmittal Letter, in order to, for example, avoid abandonment of the application, it would not be reasonable for the Office to disregard such authorization in favor of a fee transmittal and therefore deny relief.

The request for a refund of these fees is therefore appropriately dismissed.

Any request for reconsideration on the merits of this decision must be filed within **TWO (2) MONTHS** from the mailing date of this decision, indicated above. Any such request should include a cover sheet entitled "Renewed Refund Request."

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
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SYNOPSYS/FENWICK
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

MAILED
DEC 22 2011
OFFICE OF PETITIONS

In re Application of :
Calin Ciordas, et al. :
Application No.: 12/307,411 : ON PETITION
Filed: July 2, 2009 :
Attorney Docket No.: 12291-033-999 :

This is a decision on the petition, filed December 21, 2011, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on August 26, 2011, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

The application is being referred to Technology Center AU 2464 for further processing of the request for continued examination under 37 CFR 1.114.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

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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.
12/307,439	03/11/2009	Shunsuke Toyoda	JFE-08-1486	3193

35811 7590 09/29/2010

IP GROUP OF DLA PIPER LLP (US)
ONE LIBERTY PLACE
1650 MARKET ST, SUITE 4900
PHILADELPHIA, PA 19103

EXAMINER	
POLYANSKY, ALEXANDER	
ART UNIT	**PAPER NUMBER**
1793	

NOTIFICATION DATE	DELIVERY MODE
09/29/2010	ELECTRONIC

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

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

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

pto.phil@dlapiper.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

September 28, 2010 BC

In re application of Shunsuke Toyoda et al. Serial No. 12/307,439 Filed: January 05, 2009 For: HIGH-TENSILE STRENGTH WELDED STEEL TUBE FOR STRUCTURAL PARTS OF AUTOMOBILES AND METHOD OF PRODUCING THE SAME	: : : : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed August 05, 2010.

The request and petition are **GRANTED**.

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

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

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

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

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

(5) Applicant must submit:

a. Documentation of prior office action:
   i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
   ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
   iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
   Further, if a copy of the documents from a or b is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and
c. A statement that the English translation is accurate;

(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 comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

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

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

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

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

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JAN 10 2011

PCT LEGAL ADMINISTRATION

HOFFMANN & BARON, LLP
6900 JERICHO TURNPIKE
SYOSSET NY 11791

In re Application of	:	
SCHWALBE et al.	:	
Application No.: 12/307,489	:	DECISION ON
PCT No.: PCT/EP2007/004673	:	
Int. Filing Date: 25 May 2007	:	PETITION
Priority Date: 08 July 2006	:	
Attorney Docket No.: 1686136 PCT/US	:	
For: A METHOD FOR TARGETED EXECUTION	:	
OF A REACTION TAKING PLACE ALONGSIDE	:	
SEVERAL COMPETING REACTIONS	:	

This decision is in response to applicants' petition under 37 CFR 1.181 filed 05 November 2010 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 25 May 2007, applicant filed international application PCT/EP2007/004673 which designated the U.S. and claimed a priority date of 08 July 2006. A copy of the international application was communicated to the USPTO from the International Bureau on17 January 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 08 January 2009.

On 05 January 2009, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee.

On 04 August 2009, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (FORM PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b) was required.

On 12 August 2010, the DO/EO/US mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application was abandoned as to the United States for failure to respond to the NOTIFICATION OF MISSING REQUIREMENTS mailed 04 August 2009 within the time period set therein.

On 05 November 2010, applicants filed the instant petition under 37 CFR 1.181.

DISCUSSION

If applicants can establish nonreceipt of the NOTIFICATION OF MISSING REQUIREMENTS, then the application was never abandoned. In such case, the holding of abandonment will be withdrawn pursuant to 37 CFR 1.181. See MPEP § 711.03(c), para. I.A. The showing must include: (1) a statement by the practitioner that the Office action was not received by the practitioner; (2) a statement attesting that a search of the file jacket and docket records indicates that the Office action was not received; and (3) a copy of the docket record where the non-received Office action would have been entered had it been received (the docket record must also be referenced in practitioner's statement).

Items (1) and (2) have been met.

Item (3) has not been met. MPEP § 711.03(c), para. I.A. states that 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." The docket report provided shows all replies docketed for a date one month from the mail date of the NOTIFICATION OF MISSING REQUIREMENTS. However, this NOTIFICATION set a two month period for reply. Thus, the docket report is not sufficient. (It is noted that the mail log provided by petitioner fails to show an entry for the NOTIFICATION OF MISSING REQUIREMENTS mailed 04 August 2009.)

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.181 is **DISMISSED** without prejudice.

The application is abandoned as to the United States of America for failure to timely file a proper reply to the NOTIFICATION OF MISSING REQUIREMENTS mailed 04 August 2009.

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
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AUG 23 2011

PCT LEGAL ADMINISTRATION

HOFFMANN & BARON, LLP
6900 JERICHO TURNPIKE
SYOSSET NY 11791

In re Application of
SCHWALBE et al.
Application No.: 12/307,489
PCT No.: PCT/EP2007/004673
Int. Filing Date: 25 May 2007
Priority Date: 08 July 2006
Attorney Docket No.: 1686136 PCT/US
For: A METHOD FOR THE TARGETED EXECUTION OF A REACTION TAKING PLACE ALONGSIDE SEVERAL COMPETING CHEMICAL REACTIONS

DECISION

This is a decision on applicants' "RENEWED PETITION UNDER 37 CFR 1.181 TO WITHDRAW HOLDING OF ABANDONMENT" filed 01 March 2011 and applicants' petition under 37 CFR 1.47(a) filed 10 June 2011. The petition under 37 CFR 1.181 is **GRANTED**. The petition under 37 CFR 1.47(a) is **GRANTED**.

BACKGROUND

On 25 May 2007, applicant filed international application PCT/EP2007/004673 which designated the U.S. and claimed a priority date of 08 July 2006. A copy of the international application was communicated to the USPTO from the International Bureau on17 January 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 08 January 2009.

On 05 January 2009, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee.

On 04 August 2009, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (FORM PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b) was required.

On 12 August 2010, the DO/EO/US mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application was abandoned as to the United States

for failure to respond to the NOTIFICATION OF MISSING REQUIREMENTS mailed 04 August 2009 within the time period set therein.

On 05 November 2010, applicants filed a petition under 37 CFR 1.181 to withdraw the NOTIFICATION OF ABANDONMENT mailed 12 August 2010.

On 10 January 2011, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.181.

On 01 March 2011, applicants filed a renewed petition under 37 CFR 1.181 to withdraw the NOTIFICATION OF ABANDONMENT mailed 12 August 2010.

On 10 June 2011, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by a statement of facts by Dr. Bernd Gallasch with documentation in support thereof.

DISCUSSION

Petition Under 37 CFR 1.181

If applicants can establish nonreceipt of the NOTIFICATION OF MISSING REQUIREMENTS, then the application was never abandoned. In such case, the holding of abandonment will be withdrawn pursuant to 37 CFR 1.181. See MPEP § 711.03(c), para. I.A. The showing must include: (1) a statement by the practitioner that the Office action was not received by the practitioner; (2) a statement attesting that a search of the file jacket and docket records indicates that the Office action was not received; and (3) a copy of the docket record where the non-received Office action would have been entered had it been received (the docket record must also be referenced in practitioner's statement).

As noted in the decision mailed 10 January 2011, items (1) and (2) have been met.

Regarding item (3), the decision mailed 10 January 2011 noted that MPEP § 711.03(c), para. I.A. states that 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." The decision also noted that the copy of the docket report accompanying the petition showed all replies docketed for a date one month from the mail date of the NOTIFICATION OF MISSING REQUIREMENTS rather than all replies docketed for a date two months from the mail date and that thus the docket report was not sufficient. The renewed petition includes a copy of the appropriate docket report. Thus, item (3) has been met as well.

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(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.

Items (1), (3), and (4) have been met.

Item (2) has been met as well. It has been established that non-signing inventors Rainer SCHENK and Michael KUPPER have been presented with the application papers and have refused to sign.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.181 has been **GRANTED**.

For the reasons set forth above, the NOTIFICATION OF ABANDONMENT mailed 12 August 2010 is hereby VACATED.

For the reasons set forth above, applicants' renewed 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 **10 June 2011**.

/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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MAILED

AUG 29 2011

PCT LEGAL ADMINISTRATION

Dr. Michael Kupper
Maria-Sybilla-Merian-Strasse 93
D55122 Mainze
DEUTSCHLAND

In re Application of
SCHWALBE et al.
Application No.: 12/307,489
PCT No.: PCT/EP2007/004673
Int. Filing Date: 25 May 2007
Priority Date: 08 July 2006
Attorney Docket No.: 1686136 PCT/US
For: A METHOD FOR THE TARGETED EXECUTION OF A REACTION TAKING PLACE ALONGSIDE SEVERAL CHEMICAL COMPETING REACTIONS

Dear Dr. Kupper:

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

HOFFMANN & BARON, LLP
6900 JERICHO TURNPIKE
SYOSSET NY 11791

UNITED STATES PATENT AND TRADEMARK OFFICE

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ALEXANDRIA, VA 22313-1450
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AUG 23 2011

PCT LEGAL ADMINISTRATION

Dr. Rainer Schenk
Feldstrasse 27
D-65451 Kelsterbach
DEUTSCHLAND

In re Application of
SCHWALBE et al.
Application No.: 12/307,489
PCT No.: PCT/EP2007/004673
Int. Filing Date: 25 May 2007
Priority Date: 08 July 2006
Attorney Docket No.: 1686136 PCT/US
For: A METHOD FOR THE TARGETED EXECUTION OF A REACTION TAKING PLACE ALONGSIDE SEVERAL COMPETING CHEMICAL REACTIONS

Dear Dr. Schenk:

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

HOFFMANN & BARON, LLP
6900 JERICHO TURNPIKE
SYOSSET NY 11791

Docket No.: 424662025700
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
James DYSON et al.

Application No.: 12/307,529 Confirmation No.: 3543

Filed: July 5, 2007 Art Unit: 3723

For: CLEANING APPLIANCE Examiner: David A. Redding

PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102

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

Dear Sir:

Pursuant to the expansion and extension of the Patent Application Backlog Reduction Stimulus Plan ("Project Exchange") published in 75 Red. Reg. 36063 (June 24, 2010) and 75 Fed. Reg. 71072 (November 22, 2010), Applicants request that this application ("'529 application") be accorded special status for examination.

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

- Special status is being sought for the '529 application based on the express abandonment of copending U.S. Patent Application No. 12/543,158 ("'158 application"), filed August 18, 2009, and entitled "DOMESTIC APPLIANCE." A

copy of a Letter of Express Abandonment that is being concurrently filed in the '158 application is attached in the Appendix;[1]

- The '529 application and the '158 application are commonly owned by Dyson Technology Limited, a corporation with a place of business at Tetbury Hill Malmesbury, Wiltshire, SN16 0RP, United Kingdom.

- Applicants have not filed petitions in more than fourteen other applications requesting special status under Project Exchange; and

- Applicants agree to make an election without traverse in a telephonic interview if the Office determines that the claims of the '529 application are directed to two or more independent and distinct inventions.

Although the fee for this petition is waived under Project Exchange, the Commissioner is authorized to charge any fee due in connection with this filing to **Deposit Account No. 03-1952** referencing docket no. **424662025700**.

Dated: June 29, 2011

Respectfully submitted,

By _____

Adam Keser
Registration No.: 54,217
MORRISON & FOERSTER LLP
1650 Tysons Blvd, Suite 400
McLean, Virginia 22102
(703) 760-7703

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

APPENDIX

Docket No.: 424662029000
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Mark S. VANDERSTEGEN-DRAKE

Application No.: 12/543,158 Confirmation No.: 6779

Filed: August 18, 2009 Art Unit: 3742

For: DOMESTIC APPLIANCE Examiner: Brett Shane Spurlock

WRITTEN DECLARATION OF EXPRESS ABANDONMENT PURSUANT TO 37 CFR 1.138(A) IN EXCHANGE FOR SPECIAL STATUS IN U.S. PATENT APPLICATION NO. 12/307,529

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

Dear Sir:

Pursuant to the expansion and extension of the Patent Application Backlog Reduction Stimulus Plan ("Project Exchange") published in 75 Red. Reg. 36063 (June 24, 2010), Applicant requests that this application ("'158 application") be expressly abandoned as of the filing date of this paper.

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

- The'158 application is being expressly abandoned in exchange for special status being accorded for U.S. Patent Application No. 12/307,529 ("'529 application"), filed July 24, 2009, and entitled "CLEANING APPLIANCE." A Petition to Make

Special under 37 CFR 1.102 is being filed concurrently herewith in the '529 application;[1]

- Applicants have not and will not file an application that claims the benefit of the '158 application under any provision of title 35, United States Code;
- Applicants agree not to request a refund of any fees paid in the '158 application; and
- Applicants have not and will not file a new application that claims the same invention claimed in the '158 application (the phrase "same invention" having the same meaning as used in the context of statutory double patenting under 35 USC 101).

Although no fee is believed due for this petition, the Commissioner is authorized to charge any fee due in connection with this filing to **Deposit Account No. 03-1952** referencing docket no. **424662029000**.

Dated: June 29, 2011

Respectfully submitted,

By _____

Adam Keser
Registration No.: 54,217
MORRISON & FOERSTER LLP
1650 Tysons Blvd, Suite 400
McLean, Virginia 22102
(703) 760-7703

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN VA 22102

MAILED

JUL 06 2011

OFFICE OF PETITIONS

In re Application of :
DYSON, et al. :
Application No. 12/307,529 :
35 U.S.C. 371 Date: July 24, 2009 :
Int. Appl. No.: PCT/GB2007/002524 :
Int. File Date: July 5, 2007 :
Attorney Docket No. **424662025700** :

DECISION ON PETITION
TO MAKE SPECIAL
37 CFR 1.102

This is a decision on the petition under 37 CFR 1.102, filed June 29, 2011, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009) and 75 Federal register Notice 36063 (June 24, 2010).

The petition is **GRANTED**.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Brian W. Brown
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

VENABLE LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

MAILED
NOV 29 2010
OFFICE OF PETITIONS

Applicants: Dimitrijevic, et al.
Appl. No.: 12/307,547
International Filing Date: July 3, 2006
Title: METHOD AND SYSTEM FOR HIGH SPEED MULTI-PASS INKJET PRINTING
Attorney Docket: 82652-267065
Pub. No.: US 2009/0315932 A1
Pub. Date: December 24, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on February 24, 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 wherein the preliminary amendment filed with the application on October 6, 2009 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 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.

[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 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 publication may be based upon amendments to the specification that are reflected in a substitute specification, provided that such substitute specification is submitted before technical preparations for publication have begun, generally four months before the projected date of publication. (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 specification, must be submitted in compliance with the Office electronic filing system requirements, and within one month of the mailing date of the first Office communication that includes a confirmation number for the application, or fourteen months of the earliest filing date for which a benefit is sought under title 35, United States Code, whichever is later.

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

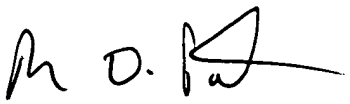
A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

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

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication".

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



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

UNITED STATES PATENT AND TRADEMARK OFFICE

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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 :
Mareo Kimura et al. :
Application No. 12/307,571 : DECISION ON PETITION
Filed: January 5, 2009 : TO WITHDRAW
Attorney Docket No. **285032007800** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed November 23, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because the requested change in the correspondence address is improper. The assignee name listed in the request "Cataler Corporation" is not the entire assignee of record. Accordingly, since the assignment does not show the assignee as "Cataler Corporation" the request to withdrawal as attorney is not be proper and cannot be approved at this time.

I would also like to bring to petitioner attention that the assignee listed in the request does not coincide with the assignee listed in the statement under 37 CFR 3.73(b) filed concurrently with the instant 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 JoAnne Burke at 571-272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

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555 WEST FIFTH STREET
SUITE 3500
LOS ANGELES CA 90013-1024

MAILED

JAN 31 2012

OFFICE OF PETITIONS

In re Application of :
Mareo Kimura et al. :
Application No. 12/307,571 : DECISION ON PETITION
Filed: January 5, 2009 : TO WITHDRAW
Attorney Docket No. **285032007800** : FROM RECORD
:

This is a decision on the renewed request to withdraw as attorney of record under 37 CFR § 1.36(b), filed January 23, 2012.

The request is **APPROVED**.

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

The request was signed by 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.

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

There is 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: Cataler Corporation,
Toyota Jiosha Kabushiki Kaisha, Daihatsu Motor Co., Ltd.
7800, Chihama
Kakegawa-Shi, Shizuoka Japan 437-1492

UNITED STATES PATENT AND TRADEMARK 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
12/307,571	01/05/2009	Mareo Kimura	285032007800

CONFIRMATION NO. 3862

25224
MORRISON & FOERSTER, LLP
555 WEST FIFTH STREET
SUITE 3500
LOS ANGELES, CA 90013-1024

POWER OF ATTORNEY NOTICE

OC000000052294839

Date Mailed: 01/31/2012

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/23/2012.

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

/jlburke/

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

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.
12/307,599	08/21/2009	Pierre Marie Lenoir	64933A	4079

109 7590 11/08/2010

The Dow Chemical Company.
P.O. BOX 1967
2040 Dow Center
Midland, MI 48641

EXAMINER	
RAO, SAVITHA M	

ART UNIT	PAPER NUMBER
1614	

NOTIFICATION DATE	DELIVERY MODE
11/08/2010	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):

FFUIMPC@dow.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

The Dow Chemical Company
P.O. BOX 1967
2040 Dow Center
Midland MI 48641

NOV 0 8 2010

In re Application of
LENOIR, PIERRE MARIE et al.
Application No. 12/307,599
Filed: January 6, 2009
Attorney Docket No. 64933A

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

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

The request and petition are **GRANTED**.

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

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

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ROTHWELL, FIGG, ERNST & MANBECK, P.C.
1425 K STREET, N.W.
SUITE 800
WASHINGTON DC 20005

In re Application of	:	
SUAREZ et al.	:	
Application No.: 12/307,669	:	DECISION
PCT No.: PCT/BR2007/000175	:	
Int. Filing Date: 06 July 2007	:	
Priority Date: 06 July 2006	:	
Attorney Docket No.: 2080-0111	:	
For: METHODS TO PREPARE . . . AND THEIR USES	:	

This decision is in response to applicants' request for refund filed in the United States Patent and Trademark Office (USPTO) on 13 September 2010.

BACKGROUND

On 06 July 2007, applicant filed international application PCT/BR2007/000175, which designated the U.S. and claimed a priority date of 06 July 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 10 January 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 06 January 2009.

On 06 January 2009, applicant filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, a TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371 (Form PTO-1390) and the U.S. Basic National Fee.

On 05 August 2009, the 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 inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 05 October 2009, applicants filed a submission including, *inter alia*, a declaration of inventors.

On 29 October 2009, the United States Designated/Elected Office (DO/EO/US) issued a NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495, according the application a 35 U.S.C. 371 date of 05 October 2009.

On 30 December 2009, applicants filed a request for a refund in the amount of $7,058.

On 20 May 2010, a decision was sent denying applicants' request for refund in the amount of $7,058 "because upon filing, applicant checked 'box c", on the second page of the transmittal letter. Thereby authorizing the charging of 'any additional fees which may be required.'" The decision also indicated that a refund of $1,560 had been granted due to a miscalculation of the total claims originally filed.

On 13 September 2010, applicants filed the instant renewed request for refund.

DISCUSSION

The renewed request for refund requests a refund of $5,498 for fees paid for additional claims, specifically, for total claims in excess of twenty and independent claims in excess of three. The request urges that these fees were paid "by mistake" in accordance with 37 CFR 1.26 and MPEP § 607.02 because the excess claims were canceled prior to an examination on the merits. The request further urges that the authorization to charge any additional fees which may be required in the Transmittal Letter filed 06 January 2009 did not extend to additional claim fees because these fees were not required.

Attention is directed to MPEP 1893.01(c) which states in part:

> A preliminary amendment accompanying the initial national stage submission under 35 U.S.C. 371 that is effective to cancel claims and/or eliminate multiple dependent claims will be effective to reduce the number of claims to be considered in calculating extra claim fees required under 37 CFR 1.492(d)-(e) and/or eliminate the multiple dependent claim fee required under 37 CFR 1.492(f). A subsequently filed amendment canceling claims and/or eliminating multiple dependent claims will not entitle applicant to a refund of fees previously paid. See MPEP § 607 and § 608. (Emphasis added)

MPEP § 607.02 states that the Office may refund any excess claims fee paid in an application filed under 35 U.S.C. 111(a) if applicant filed a petition under 37 CFR 1.138(d) to expressly abandon the application before an examination has been made of the application. However, the instant application was filed under 35 U.S.C. 371 rather than 35 U.S.C. 111(a). Thus, MPEP § 607.02 is not applicable.

Regarding the argument that the authorization to charge additional fees was made "by mistake", there is no evidence to support this assertion. Additionally, in citing an example of a

fee paid by mistake, MPEP § 607.02 refers to a "fee paid when no fee is required)". Here, the fee was properly treated as being required. MPEP § 509.01[1], section I, states in part:

> Many applications contain broad language authorizing any additional fees which might have been due to be charged to a deposit account. The U.S. Patent and Trademark Office will interpret such broad authorizations to include authorization to charge to a deposit account fees set forth in 37 CFR 1.16, and 1.17. Fees under 37 CFR 1.19, 1.20, and 1.21 will not be charged as a result of a general authorization under 37 CFR 1.25 except to cover the processing fee under 37 CFR 1.21(m) in the event a check or credit card payment is refused or charged back by a financial institution. Effective November 7, 2000, fees under 37 CFR 1.18 will not be charged as a result of a preauthorization of issue fee payment. (Emphasis in original)

37 CFR 1.25(b) provides that an authorization to charge fees under 37 CFR 1.16 (which relates to national application filing fees) in an application under 35 U.S.C. 371 will be treated as an authorization to charge fees under 37 CFR 1.492 (which relates to national stage fees). Thus, the authorization to "charge any additional fees which may be required" was properly treated as authorizing additional claim fees.

CONCLUSION

The request for refund under 37 CFR 1.26 is **REFUSED** for the reasons set forth above.

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

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[1]The petition urges that MPEP § 509.01 is not applicable because it is included in the MPEP and therefore is only applicable to "examining" procedures and the excess claims were canceled before they were examined on the merits. However, it is clear from even a cursory review of the MPEP that it deals with more than examination of claims on their merits.

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JAN 13 2012

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UNITED STATES PATENT AND TRADEMARK OFFICE

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LACKENBACH SIEGEL, LLP
LACKENBACH SIEGEL BUILDING
1 CHASE ROAD
SCARSDALE NY 10583

In re Application of: TORDO, Paul, et al.
U.S. Application No.: 12/307,709
PCT No.: PCT/FR2007/001157
International Filing Date: 06 July 2007
Priority Date: 07 July 2006
Attorney's Docket No.: BLET.P007
For: NEW NITRONS CARRYING A POSITIVE CHARGE ...

DECISION REGARDING SUBMISSION UNDER 37 CFR 1.42

This decision is issued in response to applicants' 09 January 2012 submission of a declaration executed on behalf of deceased co-inventor Jean-Pierre FINET. The submission is considered herein under 37 CFR 1.42 and 1.497.

BACKGROUND

On 06 July 2007, applicants filed international application PCT/FR2007/001157. The international application claimed a priority date of 07 July 2006, and it designated the United States. On 10 January 2008, 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., 07 January 2009.

On 06 January 2009, 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.

On 10 June 2011, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an acceptable English translation of the international application, an oath or declaration in compliance with 37 CFR 1.497, and the surcharge and processing fee required for filing these materials later than thirty months after the priority date.

On 09 January 2012, applicants filed a response to the Notification Of Missing Requirements (with required five-month extension fee). The response included an English translation of the international application, payment of the required surcharge and processing fee, and a declaration executed by the four surviving inventors of record and on behalf of deceased inventor Jean-Pierre FINET by Denis Bertin (identified on the declaration as a person with legal

capacity to sign for the deceased inventor). The declaration is considered herein under 37 CFR 1.42 and 1.497.

DISCUSSION

37 CFR 1.42 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.

Section 409.01(a) of the MPEP states that the application can also be executed by all of the heirs of the deceased inventor, where no legal representative has been appointed or is required to be appointed by law.

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 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 37 CFR 1.497(b)(2), the citizenship for both the deceased inventor and the legal representative must be identified on the declaration, as well as the mailing address and residence information of the legal representative and all other information required under 37 CFR 1.497.

Here, the declaration filed on 09 January 2012 indicates that co-inventor Jean-Pierre FINET is deceased, and the declaration was executed on behalf of the deceased inventor by a person who is not specifically named on the declaration.[1] The declaration lists the name and citizenship of the inventors, including the deceased inventor, as required. However, the declaration does not identify the person signing on behalf of the deceased inventor as the legal representative (or equivalent) of the deceased inventor's estate. Rather, Mr. Bertin's hand-written notation, which is not clearly legible, appears to identify him as a "Vice President," a title that is ambiguous in this context and is not sufficient to support a conclusion that Mr. Bertin is the legal representative (or equivalent) of the deceased inventor's estate, or his sole heir. In addition, the declaration fails to include the citizenship, residence, and mailing address information for the person signing the declaration on behalf of the deceased inventor, as also required.

Based on the above, on the present record the declaration filed on 09 January 2012 cannot be accepted on behalf of the deceased inventor under 37 CFR 1.42 and 1.497.

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[1] The person is identified on an accompanying document as Denis Bertin; however, this accompanying document is not executed in accordance with 37 CFR 1.68 and is not considered part of the inventor's declaration itself.

CONCLUSION

The request for status under 37 CFR 1.42 with respect to deceased inventor Jean-Pierre FINET is **REJECTED** without prejudice.

Applicants have **TWO (2) MONTHS** from the mail date of this communication to submit a proper response under 37 CFR 1.42 and 1.497. Failure to file a proper and timely response will result in abandonment. Extensions of time are available under 37 CFR 1.136(a).

A proper response must include a revised declaration executed on behalf of the deceased inventor by a person expressly identified thereon as the legal representative (or equivalent) of the deceased inventor (or all his heirs). Such declaration must include all the information required by 37 CFR 1.497, including the citizenship, residence, and mailing address of the legal representative, and the name and citizenship of the deceased inventor and the surviving inventors.

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

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PCT LEGAL ADMINISTRATION

UNITED STATES PATENT AND TRADEMARK OFFICE

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LACKENBACH SIEGEL BUILDING
1 CHASE ROAD
SCARSDALE NY 10583

In re Application of: TORDO, Paul, et al.
U.S. Application No.: 12/307,709
PCT No.: PCT/FR2007/001157
International Filing Date: 06 July 2007
Priority Date: 07 July 2006
Attorney's Docket No.: BLET.P007
For: NEW NITRONS CARRYING A POSITIVE CHARGE ...

DECISION REGARDING RENEWED SUBMISSION UNDER 37 CFR 1.42

This decision is issued in response to the "Response To Decision Regarding Submission Under 37 CFR 1.42," considered herein as a renewed request for status under 37 CFR 1.42 with respect to deceased co-inventor Jean-Pierre FINET. No petition fee is required.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed on 13 January 2012. The decision dismissed without prejudice applicants' request for status under 37 CFR 1.42 with respect to deceased co-inventor Jean-Pierre FINET, finding that the declaration filed on behalf of the deceased inventor was not properly executed on behalf of the deceased inventor.

On 27 February 2012, applicants filed the "Response To Decision Regarding Submission Under 37 CFR 1.42" considered herein, accompanied by a revised declaration executed on behalf of the deceased inventor.

DISCUSSION

The revised declaration filed on 27 February 2012 is executed on behalf of deceased co-inventor Jean-Pierre FINET by Dominique Cousin-Finet. The declaration specifically identifies Dominique Cousin-Finet as the "Legal Representative" and "Executrix" of the deceased inventor, and it includes all information required by 37 CFR 1.497(b)(2) with respect to the legal representative, that is, the legal representative's citizenship, residence, and post office address. The declaration also sets forth the name and citizenship of the other inventors, including the deceased inventor, as required. In view of the above, the revised declaration filed 27 February 2012 is acceptable under 37 CFR 1.42 and 1.497.

CONCLUSION

Applicant's renewed request for status under 37 CFR 1.42 with respect to deceased co-inventor Jean-Pierre FINET is **GRANTED**.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision.

/RichardMRoss/

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

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OFFICE OF PETITIONS

E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1125
4417 LANCASTER PIKE
WILMINGTON DE 19805

In re Application of :
Xuehui Sun et al. :
Application No. 12/307,754 : DECISION ON PETITION
Filed: March 8, 2009 :
Attorney Docket No. FL 1262 US PCT :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 3, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed March 17, 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 June 18, 2011. A Notice of Abandonment was mailed on October 19, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $1,860, (3) a proper statement of unintentional delay. Accordingly, the amendment is accepted as being unintentionally delayed.

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

This application is being referred to Technology Center AU 1621 for appropriate action by the Examiner in the normal course of business on the reply received November 3, 2011.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FEB 15 2011

In re Application of :
NELSON BURKHOLDER : NOTICE OF WITHDRAWAL
Serial No. **12/307,757** : FROM ISSUE
Filed: **1/7/2009** : UNDER 37 CFR 1.313(b)

For: **POWER MANAGEMENT SYSTEM FOR A VEHICLE, METHOD FOR MANAGING VEHICLE POWER AND METHOD FOR INSTALLING A VEHICLE POWER MANAGEMENT SYSTEM**

The above-identified application is withdrawn from issue after payment of the issue fee due to unpatentability of one or more claims. See 37 CFR 1.313(b)(3).

The above-identified application is hereby withdrawn from issue.

The issue fee is refundable upon written request. If, however, the application is again found allowable, the issue fee can be applied toward payment of the issue fee in the amount identified on the new Notice of Allowance and Issue Fee Due upon written request. This request and any balance due must be received on or before the due date noted in the new Notice of Allowance in order to prevent abandonment of the application.

Telephone inquiries should be directed to Paul Dickson at 571-272-7742.

The above-identified application is being forwarded to the examiner for prompt appropriate action, including notifying applicant of the new status of this application.

David L. Talbott
Director, Technology Center 3600

WRB-IP LLP
801 N. Pitt Street
Suite 123
ALEXANDRIA VA 22314

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

Atty. Docket No.: MBP0122PUSA

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:	12/307,802	Filing date:	September 14, 2009
First Named Inventor:	Michael Horn		
Title of the Invention:	HEAT-SENSITIVE RECORDING MATERIAL		

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/EP2007/005796

The international filing date of the corresponding PCT application(s) is/are: June 29, 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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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	12/307,802
First Named Inventor:	Michael Horn

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 14, 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 October 14, 2009

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Modified to U.S. format
2	2	Modified to U.S. format
3	3	Modified to U.S. format and to eliminate multiple dependencies
4	4	Modified to U.S. format and to eliminate multiple dependencies
5	5	Modified to U.S. format and to eliminate multiple dependencies
6	6	Modified to U.S. format
7	7	Modified to U.S. format and to eliminate multiple dependencies
8	8	Modified to U.S. format and to eliminate multiple dependencies
9	9	Modified to U.S. format and to eliminate multiple dependencies
10	10	Modified to U.S. format
11	11	Modified to U.S. format
12	12	Modified to U.S. format and to eliminate multiple dependencies
13	13	Modified to U.S. format and to eliminate multiple dependencies
14	14	Modified to U.S. format and to eliminate multiple dependencies
15	15	Modified to U.S. format
16	16	Modified to U.S. format
17	17	Modified to U.S. format and to eliminate multiple dependencies
18	18	Modified to U.S. format and to eliminate multiple dependencies
19	19	Modified to U.S. format and to eliminate multiple dependencies

** Claims Correspondence Table continued on page 3

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

Signature /William G. Conger/	Date February 28, 2011
Name (Print/Typed) William G. Conger	Registration Number 31209

PTO/SB/20PCT-EP (05-10)
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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	12/307,802
First Named Inventor:	Michael Horn

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 14, 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 October 14, 2009

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
20	20	Modified to U.S. format and to eliminate multiple dependencies
21	21	Modified to U.S. format
22	22	Modified to U.S. format and to eliminate multiple dependencies
23	23	Modified to U.S. format and to eliminate multiple dependencies
24	24	Modified to U.S. format and to eliminate multiple dependencies
25	25	Modified to U.S. format

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

Signature /William G. Conger/	Date February 28, 2011
Name (Print/Typed) William G. Conger	Registration Number 31209

UNITED STATES PATENT AND TRADEMARK 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.
12/307,802	09/14/2009	Michael Horn	MBP0122PUSA	5569

22045 7590 03/23/2011

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

EXAMINER	
HESS, BRUCE H	
ART UNIT	PAPER NUMBER
1785	
MAIL DATE	DELIVERY MODE
03/23/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

March 23, 2011

In re application of	:	DECISION ON REQUEST TO
Horn, et al.	:	PARTICIPATE IN PATENT
Serial No. 12/307,802	:	PROSECUTION HIGHWAY
Filed: September 14, 2009	:	PROGRAM AND
For: **HEAT-SENSITIVE RECORDING MATERIAL**	:	PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request for reconsideration to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed March 02, 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, 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; 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 Emily M. Le, Supervisory Patent Examiner, at (571) 272-0903.

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.

/Emily M. Le/

Emily M. Le
Supervisory Patent Examiner
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

SEP 14 2011

PCT LEGAL ADMINISTRATION

WINSTEAD PC
P.O. BOX 50784
DALLAS TX 75201

In re Application of :
CRAWFORD, Michael Burl, et al. :
Application No.: 12/307,820 :
PCT No.: PCT/US2007/075105 : DECISION
Int. Filing Date: 02 August 2007 :
Priority Date: 02 August 2006 :
Att. Docket No.: 51844-P015WOUS :
For: SEAL ASSEMBLY FOR DRILL BIT :

Applicant's petition under 37 CFR 1.137(b), filed in the United States Patent and Trademark Office on 11 July 2011, is **GRANTED**.

Applicant states that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The appropriate national fee and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

Applicants have furnished a response to the Notification of Defective Response, stating that the first inventor's name is spelled Michael Burl Crawford, as indicated on the declaration and had been misspelled on the international application. The 11 July 2011 declaration's initialing of the changes by inventor Flak were clearly after execution. However, as non-initialed non-dated alterations are not a deficiency for 37 CFR 1.497(a)-(b), the 07 December 2009 declaration is accepted as complying with 37 CFR 1.497(a)-(b). An examiner may later request an oath or declaration in compliance with 37 CFR 1.63, including MPEP 605.04(a).

This application is being referred to the National Stage Processing Branch of the Office of Patent Application Processing for continued processing in accordance with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria VA 22314

MAILED
SEP 17 2010
OFFICE OF PETITIONS

In re Application of	:	
Masatomi Irisawa, et al.	:	
Application No. 12/307,828	:	DECISION GRANTING PETITION
Filed: January 7, 2009	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 8007-1196	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, September 17, 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 12, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 1795 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

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

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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FEB 04 2011

OFFICE OF PETITIONS

VAN DYKE, GARDNER, LINN & BURKHART, LLP
SUITE 207
2851 CHARLEVOIX DRIVE, S.E.
GRAND RAPIDS, MI 49546

In re Application of :
Michael Mackert :
Application No. 12/307,832 : NOTICE
Filed: January 7, 2009 :
Attorney Docket No. MOS01 P-157 :

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

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

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**. Therefore, status as a small entity has been removed and any future fee(s) submitted must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED
JUN 16 2011
OFFICE OF PETITIONS

In re Application of :
Pier Giovanni Baraldi, et al. :
Patent No. 7,919,624 : NOTICE
Application No. 12/307,919 :
Filed: June 16, 2009 :
Attorney Docket No. P333-US

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

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

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

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

Inquiries related to this communication should be directed to the undersigned at (571) 272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

MAILED

AUG 09 2011

OFFICE OF PETITIONS

In re Application of	:	
Lucas Back	:	
Application No. 12/307,964	:	DECISION GRANTING PETITION
Filed: January 8, 2009	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 1018798-000511	:	

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

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on August 1, 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 3761 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.*

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 10-818-US)

In re Application of:	)	
	)	
G.M. Zijlstra, et al.	)	
	)	**Group Art Unit: 1636**
Serial No.: 12/307,995	)	
	)	**Examiner: J.S. Ketter**
Filed: September 4, 2009	)	
	)	**Confirm. No.: 7096**
For: Improved Process for the Culturing of Cells	)	

PETITION FOR SPECIAL STATUS AND ACCELERTED EXAMINETION UNDER PROJECT EXCHANGE/PATENT APPLICATION BACKLOG REDUCTION STIMULUS PLAN

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

Dear Sir:

Pursuant to the Patent Application Backlog Reduction Stimulus Plan (74 FR 62285) which appeared in the 1349 Official Gazette on November 27, 2009 and the Expansion and Extension of the Patent Application Backlog Reduction Stimulus Plan (75 FR 36063) which appeared in the Official Gazette on June 24, 2010, Applicants wish to file this Petition for Special Status and Accelerated Examination under C.F.R. 1.102 for the above referenced application. No fee is believed due, however if any fee is due, the Commissioner is authorized to charge such fee to our deposit account 13-2490.

Applicants provide the following information and statements in compliance with the

McDonnell, Boehnen, Hulbert & Berghoff LLP
300 S. Wacker Drive, Suite 3100
Chicago, IL 60606
312-913-0001

requirements and conditions for inclusion in the Patent Application Backlog Reduction Stimulus Plan:

1) The instant application was filed September 4, 2009 which is indeed prior to the October 1, 2009 required filing date and special status is being sought under the basis of express abandonment of another co-pending commonly owned application.

2) The Applicant has filed a letter of express abandonment under 37 C.F.R. 1.138(a) in the commonly owned, co-pending, non-provisional application U.S. Serial No. 12/298,076, before it was taken-up for examination. A copy of the letter of express abandonment and the accompanying statements are included herewith.

3) The specific relationship between the applications that qualifies the instant application for special status is that both applications are commonly owned by, and assigned to, DSM I.P. Assets B.V.

4) The application that has been expressly abandoned is U.S. Serial No. 12/298,076, filed June 2, 2009 which is indeed prior to October 1, 2009.

5) The Applicant hereby states it has NOT filed similar petitions in more than fourteen other applications requesting special status under this program.

6) Applicants agree to make an election without traverse in a telephonic interview if the Patent Office determines that the claims of the instant application to be made special are directed to two or more independent and distinct inventions.

Should any further information be required, the Patent Office is encouraged to contact the undersigned representative.

McDonnell, Boehnen, Hulbert & Berghoff LLP
300 S. Wacker Drive, Suite 3100
Chicago, IL 60606
312-913-0001

Respectfully submitted,

Date: October 22, 2010

/David S. Harper/
David S. Harper, Ph.D.
Registration No. 42,636

McDonnell Boehnen Hulbert & Berghoff
300 South Wacker Drive
Chicago, IL 60606

Telephone: 312-913-0001
Facsimile: 312-913-0002

UNITED STATES 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 S. Harper
McDonnell Boehnen Hulbert & Berghoff LLP
Suite 3100
300 South Wacker Drive
Chicago IL 60606

MAILED

NOV 02 2010

OFFICE OF PETITIONS

In re Application of :
ZIJLSTRA, et al. :
Application No. 12/307,995 :
Filed: September 4, 2009 :
Attorney Docket No. **10-818-US** :

DECISION ON PETITION
TO MAKE SPECIAL
37 CFR 1.102

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

The 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

CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON MA 02110

MAILED

AUG 18 2010

OFFICE OF PETITIONS

In re Application of :
James Micah Atkin :
Application No. 12/308,019 : DECISION ON PETITION
Filed: March 12, 2009 : TO WITHDRAW
Attorney Docket No. 50365/008001 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 14, 2010.

The request is **NOT APPROVED**.

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

The request cannot be approved because the proper certifications were not made on the PTO/SB/63 form. Boxes 1 & 3 were left unchecked.

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

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

Terri Johnson
Petitions Examiner
Office of Petitions

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

UNITED STATES 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

SEP 21 2010

OFFICE OF PETITIONS

In re Application of	:	
Micah James Atkin	:	
Application No. 12/308,019	:	DECISION ON PETITION
Filed: March 12, 2009	:	TO WITHDRAW
Attorney Docket No. 50365/008001	:	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 30, 2010.

The request is **APPROVED**.

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

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

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

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

Terri Johnson
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK 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
12/308,019	03/12/2009	Micah James Atkin	50365/008001

CONFIRMATION NO. 4095

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

POWER OF ATTORNEY NOTICE

OC000000043563594

Date Mailed: 09/17/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

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

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

/tsjohnson/

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

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.
12/308,021	12/04/2008	Thomas Koch	2006P00513WOUS	6243

46726 7590 02/10/2012

BSH HOME APPLIANCES CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
100 BOSCH BOULEVARD
NEW BERN, NC 28562

EXAMINER	
GRAVINI, STEPHEN MICHAEL	
ART UNIT	**PAPER NUMBER**
3744	

NOTIFICATION DATE	DELIVERY MODE
02/10/2012	ELECTRONIC

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

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

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

NBN-IntelProp@bshg.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22311
www.uspto.gov

BSH HOME APPLIANCES CORPORATION ::
INTELLECTUAL PROPERTY DEPARTMENT ::
100 BOSCH BOULEVARD :
NEW BERN NC 28562 ::

In re Application of:
KOCH, THOMAS et al
Serial No.: 12/308,021
Filed: Dec. 4, 2008
Attorney Docket No.:
2006P00513WOUS
Title: DEVICE AND METHOD FOR DRYING LAUNDRY

DECISION ON PETITION to Withdraw Finality of Office Action

This is a decision on the petition filed on February 2, 2012 seeking withdrawal of the finality of the Office action mailed October 24, 2011. This petition is being considered pursuant to 37 CFR §1.181. No fee is required.

The petition is dismissed as untimely.

In the February 2, 2012 petition, the petitioner requests the finality of the Office action of October 24, 2011 be reconsidered and withdrawn because the applicant believes that the final rejection was premature. In particular, petitioner argues that the examiner did not reject claim 29 over any prior art. The art rejection of claim 29 of October 24, 2011 was not necessitated by the applicant's amendment of September 13, 2011.

A further review of the file record shows that the instant petition was filed more than three months after the mailing date of the final Office action of October 24, 2011. Pursuant to 37 CFR 1.181(f)[1], the petition is not timely filed since the petition was not filed within two months of the action complained of. As the petition was not timely filed, the requested withdrawal of finality of the Office action of October 24, 2011 will not be granted. Based on the reasons as stated above, petitioner's request to withdraw the finality of the Office action dated October 24, 2011 is hereby dismissed as untimely.

[1] 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. Any petition under this part not filed within two months of the mailing date of the action or notice from which relief is requested may be dismissed as untimely, except as otherwise provided. This two-month period is not extendable.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision, 37 CFR 1.181(f). No extension of time under 37 CFR 1.136(a) is permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181". The mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings. Any inquiry regarding this decision should be directed to Henry Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION DISMISSED AS UNTIMELY.

Angela D. Sykes, Director
Technology Center 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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GARVEY SMITH NEHRBASS & NORTH, LLC
LAKEWAY 3, SUITE 3290
3838 NORTH CAUSEWAY BLVD.
METAIRIE LA 70002

MAILED

APR 04 2011

OFFICE OF PETITIONS

In re Application of :
Reiffel : DECISION ON PETITION
Application No. 12/308,030 :
Filed: December 5, 2008 :
Atty. Dkt. No.: A10015US (99470.4) :

This decision is in response to the petition under 37 CFR 1.137(b), filed February 28, 2011.

The petition is GRANTED.

The application became abandoned June 11, 2010 for failure to timely submit a proper reply to the non-final Office action mailed March 10, 2010. The non-final Office action set a three month shortened statutory period of time for reply. No petition for extension of time under 37 CFR 1.136(a) was timely filed. Notice of Abandonment was mailed October 18, 2010.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by: (1) the required reply to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in 37 C.F.R. § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee set forth in 37 C.F.R. § 1.20(d)) required pursuant to 37 C.F.R. § 1.137(c).

The instant petition has been carefully reviewed and found in compliance with the requirements set forth above.

This application is being forwarded to Group Art Unit 1734 for further processing.

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

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

United States Patent and Trademark Office

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

MAILED

APR 06 2011

PCT LEGAL ADMINISTRATION

In re Application of
Alakurtti et al.
Application No.: 12/308,056
PCT No.: PCT/FI2007/050318
Int. Filing Date: 01 June 2007
Priority Date: 07 June 2006
Attorney Docket No.: 2835-0185PUS1
For: Betulin Derived Compounds As Anti-Feedants For Plant Pests

DECISION ON PETITION

This is in response to the petition under 37 CFR 1.47(a) filed on 27 August 2009.

BACKGROUND

This international application was filed on 01 June 2007, claimed an earlier priority date of 07 June 2006, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 13 December 2007. The 30 month time period for paying the basic national fee in the United States expired at midnight on 08 December 2008 (since 07 December 2008 was a Sunday). Applicants filed *inter alia* the basic national fee on 05 December 2008.

On 03 April 2009, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring (*inter alia*) the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

On 02 July 2009, applicants filed a response, including a declaration and the surcharge.

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.

Regarding **requirement (1)**, the $200.00 petition fee is being charged to Deposit Account 02-2448, as authorized.

Regarding **requirement (2)**, petitioner states that the non-signing inventors "have been provided with a copy of the Specification as filed and a copy of the Declaration. It was twice explained by e-mail letter that signing was necessary to preserve rights to the invention in the United States. Said inventors refused to signed by e-mail letters dated February 11 2009. Copies of emails attached."

Review of the provided copies of correspondence reveals that at least one letter appears to have been directed to/from Sami Akakurtti, but no first-hand statement by Alakurtii has been provided. It is also not sufficiently clear if both non-signing inventor were provided with complete copies of the application papers and oath or declaration documents for their signature (preferably mailed to their last known residential address(es)). Although Salme Koskimies makes a statement on this point, it is not clear whether the statement was made on the basis of first-hand knowledge, and the details of the presentation (e.g., method and date of presentation, and copies of any supporting documentation) have not been provided.

The email from "Ingeborg" to "Sami" appears to express reluctance to sign a particular assignment document, as opposed to an oath or declaration. Petitioner also has provided what appears to be a translation of a hand-written note from "Heikki," who states that a Power of Attorney and an Assignment are being returned unsigned, but neither the letter itself nor the hand-written note refers to an oath or declaration. Relief under 37 CFR 1.47(a) is not available where inventor(s) merely fail to sign an assignment, as opposed to an oath or declaration. *See* MPEP 409.03(d).

Regarding **requirement (3)**, the petition states an address for the non-signing inventors. If the given address is not the last known address of either inventor, counsel is required to promptly notify this Office of the correct last known address(es).

Regarding **requirement (4)**, inspection of the declaration of inventorship filed on 27 August 2009 reveals that it satisfies this requirement.

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

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

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SEP 19 2011

PCT LEGAL ADMINISTRATION

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

In re Application of
Alakurtti et al.
Application No.: 12/308,056
PCT No.: PCT/FI2007/050318
Int. Filing Date: 01 June 2007
Priority Date: 07 June 2006
Attorney Docket No.: 2835-0185PUS1
For: Betulin Derived Compounds As Anti-Feedants For Plant Pests

DECISION ON PETITION

This is in response to the petition under 37 CFR 1.47(a) filed on 06 July 2011.

DISCUSSION

In a Decision mailed on 06 April 2011, the petition under 37 CFR 1.47(a) filed on 27 August 2009 was dismissed, without prejudice, because requirement (2) had not been satisfied.

In response, petitioner has provided a declaration signed by "the two inventors who previously refused to sign the Oath/Declaration: Heikki Hokkanen and Ingeborg Menzler-Hokkanen." Inspection of the declaration filed on 06 July 2011 reveals that, taken with the declaration previously of record, it satisfies the requirements of 37 CFR 1.497(a) and (b). As such, the petition under 37 CFR 1.47(a) is 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 **06 July 2011**.

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

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PO BOX 747
FALLS CHURCH VA 22040-0747

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SEP 21 2010

OFFICE OF PETITIONS

In re Application of :
Ryuji Yoshiyama et al. :
Application No. 12/308,086 : DECISION ON PETITION
Filed: December 5, 2008 :
Attorney Docket No. 2611-0314PUS1 :

This is a decision on the petition under 37 CFR 1.59(b), filed March 31, 2010, to expunge information from the above identified application.

The petition is **dismissed**.

Petitioner requests that papers constituting a divisional application , filed March 22, 2010, be expunged from the record.

The petition is deficient because there is no statement that:

(B) the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted;
(C) the information has not otherwise been made public;
(D) there is a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted.

Petitioner is directed to MPEP 724.05(II).

Telephone inquiries concerning this communication should be directed to Carl Friedman at (571) 272-6842.

Carl Friedman
Petitions Examiner
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

MAILED

JAN 05 2011

OFFICE OF PETITIONS

In Re application of
Ryuji Yoshiyama et al.
Application No. 12/308,086
Filed: December 5, 2008
Attorney Docket No. 2611-0314PUS1

ON PETITION

This is a decision on the Renewed Petition to Expunge Information under 37 CFR 1.59(b), filed October 20, 2010.

The petition is **granted**.

Petitioner requests that the papers for a divisional application filed under EFS ID 7260197 on March 22, 2010, be expunged from the record. Petitioner states that the papers were submitted in error and were meant to be filed as a divisional application.

The information in question has been determined by the undersigned to not be material to the examination of the instant application. The information was clearly intended to be filed as a new divisional application.

The expunged material has been removed from the official file.

Telephone inquiries relative to this decision should be directed to Carl Friedman at (571) 272-6842.

Carl Friedman
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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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/308,160	05/22/2009	Kwangho Yoo	LGCHEM 3.3-048	8759

86765 7590 05/06/2011

LGCHEM
Lerner, David, Littenberg, Krumholz & Mentlik, LLP
600 South Avenue West
Westfield, NJ 07090

EXAMINER	
MARTIN, ANGELA J	
ART UNIT	PAPER NUMBER
1727	

NOTIFICATION DATE	DELIVERY MODE
05/06/2011	ELECTRONIC

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

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

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

eOfficeAction@ldlkm.com

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

CST

May 5, 2011

In re application of	:	DECISION ON REQUEST TO
Kwangho Yoo et al	:	PARTICIPATE IN PATENT
Serial No. 12/308,160	:	PROSECUTION HIGHWAY
Filed: May 22, 2009	:	PROGRAM AND
For: HIGH CAPACITY BATTERY CELL EMPLOYED WITH TWO OR MORE UNIT CELLS	:	PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program, filed March 17, 2011.

The request and petition are **GRANTED**.

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

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

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

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

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

(5) Applicant must submit:

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

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

(6) Applicant must submit:

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

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

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

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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PCT LEGAL ADMINISTRATION

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

In re Application of:
FUKUMURA, Yoshikazu, et al.
U.S. Application No.: 12/308,254
PCT No.: PCT/JP2007/059938
International Filing Date: 15 May 2007
Priority Date: 28 June 2006
Attorney's Docket No.: 2008_2106A
For: BEARING UNIT FOR WHEEL

DECISION ON REFUND REQUEST

The "Second Request For Refund" filed 18 October 2011 in the above-captioned application is **GRANTED** as follows:

On 11 November 2008, applicants filed the present national stage application accompanied by, among other materials, payment of $430 as the search fee. This is the search fee applicable where an international search report on the international application has been prepared by an International Searching Authority other than the United States International Searching Authority and is provided, or has previously been communicated by the International Bureau (see 37 CFR 1.498(b)(3)).

On 27 January 2010, the USPTO charged an additional $110 to applicants' Deposit Account to complete a total charge of $540 for the search fee. This is the search fee applicable where no search report has been prepared and provided to the USPTO (see 37 CFR 1.492(b)(4)).

On 18 October 2011, applicants filed the "Second Request For Refund" considered herein.[1] The submission requests a refund of the additional $110 charged to applicants' Deposit Account on 27 January 2010, asserting that the original national stage submission included a copy of the international search report prepared by the Japanese Patent Office and that the $430 search fee originally paid by applicants is therefore the appropriate fee for the application.

A review of the present application file confirms that the international search report prepared by the Japanese Patent Office is among the materials filed in the present application on 11 September 2008. Accordingly, the appropriate search fee for the present national stage application is the $430 fee set forth in 37 CFR 1.492(b)(3), that is, the fee applicable where an international search report on the international application has been prepared by an International Searching Authority other than the United States International Searching Authority and is provided. This is the amount submitted by applicants with the original national stage papers.

[1] Applicants' first request for refund was rejected in a letter mailed by the USPTO on 31 May 2011. This letter incorrectly stated that there was no copy of the international search report in the application file.

Based on the above, it is appropriate to grant applicants' request for a refund of the $110 charged to Deposit Account No. 23-0975 on 27 January 2010 to complete the larger, inapplicable search fee set forth in 37 CFR 1.492(b)(4).

Deposit Account No. 23-0975 will be credited with a refund of $1100, as requested.

/RichardMRoss/

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/308,256	04/06/2009	Yoshiaki Kikuchi	139814	3100

25944 7590 09/29/2011

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

EXAMINER	
GAMI, TEJAL	
ART UNIT	**PAPER NUMBER**
2122	

NOTIFICATION DATE	DELIVERY MODE
09/29/2011	ELECTRONIC

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

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

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

OfficeAction25944@oliff.com
jarmstrong@oliff.com

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

In re Application of: KIKUCHI et al.
Application No. 12/308256
Attorney Docket #: **139814**
Filed: December 11, 2008
For: COOLING SYSTEM AND CONTROL METHOD OF COOLING SYSTEM

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed August 8, 2011 to make the above-identified application special.

The petition is **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 in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims,

Or

(b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
(i) validly claims priority to an application filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim,

Or

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

Where the JPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the JPO application that contains the allowable/patentable claims and the JPO priority application claimed

in the U.S. application.

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

Effective January 29, 2010, for a period of two years ending on January 28, 2012, the USPTO will accept claims written in dependent form in the U.S. application which are narrower in scope than the allowable/patentable claims in the Japanese application.

(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 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;

Effective January 29, 2010, Applicants may submit a machine translation into the English language of the copy of the latest JPO office action 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 PPH request. The machine translation into the English

language must be one that is provided by the JPO. That is, the machine translation into the English language cannot be one that is provided by a commercial service. Where a machine translation into the English language of the copy of the latest JPO office action (obtained from the JPO) is submitted, it will not be necessary to include a statement that the English translation is accurate.

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

The request to participate in the PPH pilot program and petition fails to meet item 4 of the requirements listed above. An action on the merits has been mailed in this application.

The Petition is **DENIED**.

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 submitted by EFS-Web using the document description "Petition to make special under Pat Pros Hwy".

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

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

/Mano Padmanabhan/

_____

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

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

In re Application of	:
TSUDA	:
Serial No.: 12/308,263	:
PCT No.: PCT/JP08/56809	:
Int. Filing Date: 8 April 2008	: DECISION
Priority Date: None	:
Atty. Docket No.: 08827/LH	:
For: FUNDAMENTAL WAVE BEAT COMPONENT DETECTING METHOD AND MEASURING TARGET SIGNAL SAMPLING APPARATUS...	:

This is a decision on applicant's Request for Corrected Notice of Acceptance filed in the United States Patent and Trademark Office (USPTO) on 07 September 2010 in the above referenced application.

BACKGROUND

On 10 December 2008, prior to the thirty month deadline for filing a national stage application, applicant filed a transmittal letter with an express request to begin national examination procedures under 35 U.S.C. 371(f) along with the basic national filing fee and a declaration executed by the inventor.

On 22 March 2010, a Notification of Missing Requirements was mailed to applicant erroneously indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date, was required.

On 22 April 2010, applicant filed a response with a copy of the declaration filed on 10 December 2008.

On 13 August 2010, a Notification of Acceptance was mailed to applicant erroneously indicating that applicant had fulfilled all the requirements of 35 U.S.C. 371 on 22 April 2010 and indicating a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 22 April 2010.

DISCUSSION

A review of the application file reveals that as required by 35 U.S.C. 371(c)(4), a declaration, in compliance with 37 CFR 1.497(a) and (b) was submitted on 10 December 2008. Thus the Notification of Missing Requirements mailed on 22 March 2010 is hereby **VACATED**. The date of completion of all 35 U.S.C. 371 requirements includes fulfillment of subsection (b), which states that the national stage shall commence with the expiration of the time limit under PCT Article 22(a) or 39(1)(a) of the PCT Treaty. Here, the date of completion of all requirements of 35 U.S.C. 371 is 10 December 2008. The Notification of Acceptance (Form PCT/DO/EO/903) issued on 13 August 2010 which indicated this date as 22 April 2010 is incorrect; the date applicant fulfilled all the requirements of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) is 10 December 2008. Thus, the Notification of Acceptance mailed on 13 August 2010 is hereby **VACATED.**

CONCLUSION

The Notification of Missing Requirements mailed on 22 March 2010 and the Notification of Acceptance mailed on 13 August 2010 are hereby **VACATED.**

The application will be forwarded to the United States Designated/Elected Office for further processing, including issuance of a new Notification of Acceptance indicating that applicant had fulfilled all the requirements of 35 U.S.C. 371 on 10 December 2008 and 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements on 10 December 2008. A Corrected Filing Receipt will also be issued.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

Telephone: (571) 272-3286
Facsimile: (571)-273-0459

03 SEP 2010

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Alexandria, VA 22313-1450
www.uspto.gov

Michael L. Dunn
Simpson & Simpson, PLLC
5555 Main Street
Williamsville, NY 14221

In re Application of :
NETER et al. :
U.S. Application No.: 12/308,272 :
PCT No.: PCT/EP2007/055922 : DECISION ON PETITION
Int. Filing Date: 14 June 2007 : UNDER 37 CFR 1.47(a)
Priority Date: 16 June 2006 :
Attorney Docket No.: WSP267US :
For: MOULD CAVITY WITH DECOUPLED :
COOLING-CHANNEL ROUTING

This decision is issued in response to applicants' "Petition under 37 CFR 1.47(a)" filed 20 August 2010 to accept the application without the signature of joint-inventor, Witold Neter. The $200 petition fee has been submitted.

BACKGROUND

On 14 June 2007, applicants filed international application PCT/EP2007/055922 which claimed a priority date of 16 June 2006. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 21 December 2007. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 16 December 2008.

On 10 December 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; a preliminary amendment, and an application data sheet.

On 22 March 2010, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring an oath or declaration. The notification set a two-month time limit in which to respond.

On 20 August 2010, applicants filed a Petition under 37 CFR 1.47(a).

DISCUSSION

Applicants claim that co-inventor Witold Neter 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.

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

Regarding item (2) above, petitioner states that Witold Neter 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.

A review of the present petition reveals that petitioner has not shown that a bona fide attempt was made to present the application papers (specification, claims, drawings, and oath/declaration) to Witold Neter. Michael Dunn states that a copy of the application papers were sent via UPS to Witold Neter on June 11, 2010. However, Mr. Dunn fails to include evidence to demonstrate that the materials were actually received by the nonsigning inventor. A review of the UPS Proof of Delivery report reveals that the package was delivered to the "front door" and is unclear if these papers were actually received by Witold Neter. Under these circumstances, 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. Further, the declaration of Michael Dunn states that "(he) was contacted by an attorney for Witold Neter indicating that he would sign no such documents and this was confirmed by a June 24, 2010 fax." However, the declaration fails to include a copy of the 24 June 2010 fax. Item (2) has not been satisfied.

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, drawings, and oath/declaration) were sent to Witold Neter, 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.) Therefore, Item (3) has not been satisfied.

As to 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 (Witold Neter). 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 not be appropriate to accept the application without the signature of Witold Neter under 37 CFR 1.47(a) 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) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

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

UNITED STATES 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 L. Dunn
Simpson & Simpson, PLLC
5555 Main Street
Williamsville, NY 14221

MAILED

NOV 05 2010

PCT LEGAL ADMINISTRATION

In re Application of :
NETER et al. :
U.S. Application No.: 12/308,272 :
PCT No.: PCT/EP2007/055922 : DECISION ON PETITION
Int. Filing Date: 14 June 2007 : UNDER 37 CFR 1.47(a)
Priority Date: 16 June 2006 :
Attorney Docket No.: WSP267US :
For: MOULD CAVITY WITH DECOUPLED COOLING-CHANNEL ROUTING :

This decision is issued in response to applicants' "Renewed Petition under 37 CFR 1.47(a)" filed 23 September 2010 to accept the application without the signature of joint-inventor, Witold Neter. The $200 petition fee has been submitted.

BACKGROUND

On 14 June 2007, applicants filed international application PCT/EP2007/055922 which claimed a priority date of 16 June 2006. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 21 December 2007. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 16 December 2008.

On 10 December 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; a preliminary amendment, and an application data sheet.

On 22 March 2010, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring an oath or declaration. The notification set a two-month time limit in which to respond.

On 20 August 2010, applicants filed a Petition under 37 CFR 1.47(a). In a decision dated 03 September 2010, applicants' petition was dismissed without prejudice.

On 23 September 2010, applicants filed a renewed petition under 37 CFR 1.47(a).

DISCUSSION

Applicants claim that co-inventor Witold Neter 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.

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

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

The 37 CFR 1.47(a) applicants provided evidence that a complete copy of the subject application was sent to the last known address of the nonsigning inventor on 11 June 2010 via UPS. The documents provided to Witold Neter included instructions to sign and return the declaration. Further, the subject petition noted that the documents were delivered to Witold Neter on 16 June 2010. These materials provide the required firsthand statement regarding the delivery to the nonsigning inventor of a copy of the complete application, and the nonsigning inventor's refusal to execute the application, with documentary evidence supporting the statement. Item (2) is therefore satisfied.

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

As to 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 (Witold Neter). 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 not be appropriate to accept the application without the signature of Witold Neter under 37 CFR 1.47(a) at this time.

CONCLUSION

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Witold Neter
62 Shadowlake Drive
Newman, GA 30265-1972

MAILED

NOV 05 2010

PCT LEGAL ADMINISTRATION

In re Application of
NETER et al.
U.S. Application No.: 12/308,272
PCT No.: PCT/EP2007/055922
Int. Filing Date: 14 June 2007
Priority Date: 16 June 2006
Attorney Docket No.: WSP267US
For: MOULD CAVITY WITH DECOUPLED COOLING-CHANNEL ROUTING

Dear Witold Neter:

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

Counsel of Record:
Michael L. Dunn
Simpson & Simpson, PLLC
5555 Main Street
Williamsville, NY 14221

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LERNER, DAVID, LITTENBERG
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

MAILED
JUL 06 2011
OFFICE OF PETITIONS

Applicant: Gil-Ad, et al.
Appl. No.: 12/308,299
International Filing Date: June 8, 2007
Title: ANTIPROLIFERATIVE COMPOUNDS, COMPOSITIONS AND METHODS OF USE
Attorney Docket No.: REINHO 3.3-009
Pub. No.: US 2010/0279990 A1
Pub. Date: November 4, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on January 4, 2011, 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 one of the assignees "Perrigo Israel Pharmaceuticals Ltd." should be deleted.

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 published patent application wherein one of the assignees "Perrigo Israel Pharmaceuticals Ltd." was improperly printed is not a material Office error under 37 CFR 1.221(b). The printing of an assignee's name who is no longer involved with the application does not affect the understanding of the application. The error in assignment information is not a material mistake because it does not affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. See MPEP 1130. Applicant should not file requests for

[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).

corrected publication when a publication includes errors in the assignee's name or assignment information. See MPEP 1130.

A Filing receipt was mailed on July 29, 2010, which listed only one assignee's name. To avoid this type of problem in the future applicant's representative should correct the error if applicable and make a request for a corrected filing receipt prior to export of the application to the publisher and publication of the application.

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

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

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

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp
OR
http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

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.
12/308,318	04/08/2010	Hey Woong Park	LGCHEM 3.3-051	7223

86765 7590 05/25/2011

LGCHEM
Lerner, David, Littenberg, Krumholz & Mentlik, LLP
600 South Avenue West
Westfield, NJ 07090

EXAMINER	
CANTELMO, GREGG	
ART UNIT	**PAPER NUMBER**
1726	

NOTIFICATION DATE	DELIVERY MODE
05/25/2011	ELECTRONIC

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

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

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

eOfficeAction@ldlkm.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

CST

May 24, 2011

In re application of	:	DECISION ON REQUEST TO
Hey Woong Park et al	:	PARTICIPATE IN PATENT
Serial No. 12/308,318	:	PROSECUTION HIGHWAY
Filed: April 8, 2010	:	PROGRAM AND
For: STACKING-TYPED SECONDARY BATTERY PROVIDING TWO OR MORE OPERATION VOLTAGES	:	PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program, filed April 11, 2011.

The request and petition are **GRANTED**.

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

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

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

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

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

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

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

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

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

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

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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P.O. Box 1450
Alexandria, VA 22313-1450
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RYAN KROMHOLZ & MANION, S.C.
POST OFFICE BOX 26618
MILWAUKEE WI 53226

MAILED
MAR 28 2012
OFFICE OF PETITIONS

In re Application of
Robert E. Low et al.
Application No.: 12/308,327
Filed: October 19, 2009
Attorney Docket No.: 9404.20758-PCT US
For: PROCESS FOR DRYING A GAS STREAM COMPRISING A FLUOROPROPENE

: 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 filed on December 29, 2011.

The request and petition are **DISMISSED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the UK IPO, note where the UK IPO 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 UK IPO application with similar claims and the UK IPO priority application;

(2) Applicant must submit a copy of:
The allowable/patentable claim(s) from the UK IPO application(s);

(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 UK IPO application(s); and
b. Submit a claims correspondence table;

(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 UK IPO application(s) containing the allowable/patentable claims that are the basis for the

request or request that the USPTO obtain a copy from the UK IPO. If the USPTO is not able to obtain a copy of all of the office actions from the UK IPO, the applicant will be notified and requested to provide the necessary documents.

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

The instant petition identified the corresponding UKIPO application number GB2439209. However, petitioner has not established how the application is related to the US application. Therefore, since the relationship of the applications listed in the request are not clear the instant request is not considered to have met condition (1-6).

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

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

Telephone inquires regarding this decision should be directed to JoAnne Burke, 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.

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

01933
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16th Floor
New York, NY 10001-7708

MAILED

DEC 03 2010

PCT LEGAL ADMINISTRATION

In re Application of
YAMAZAKI *et al*
Application No.: 12/308,335
PCT No.: PCT/JP2007/061973
Int. Filing Date: 14 June 2007
Priority Date: 15 June 2006
Attorney Docket No.: 08651/LH
For: CHARGE AND DISCHARGE CIRCUIT OF SECONDARY BATTERY AND BATTERY PACK

DECISION

This is a decision on the renewed petition under 37 CFR 1.42 filed 12 October 2010.

BACKGROUND

On 29 July 2010, a decision dismissing applicants' petition under 37 CFR 1.42 was mailed. Applicants were given two months to respond with extensions of time available.

On 12 October 2010, applicants filed the instant response which was accompanied by, *inter alia*, an executed declaration signed by the legal representative of a deceased co-inventor, a copy of the declaration previously submitted, a $130.00 surcharge fee, and a one-month extension and $130.00 extension fee.

DISCUSSION

In the prior decision, it was noted that the declaration provided did not comply with the requirements of 37 CFR 1.497(a) and (b) for the deceased inventor. IN their response, applicants submitted another declaration signed by the legal representative of co-inventor, Tamiji NAGAI.

A review of the new declaration shows that the name and citizenship of the deceased inventor are recorded as required. In addition, the citizenship, residence and address of the legal representative are also listed on the declaration. The declaration submitted on 12 December 2008 was acceptable for the other inventors.

This declaration is in compliance with 37 CFR 1.497(a) and (b).

CONCLUSION

The papers filed under 37 CFR 1.42 are **ACCEPTED**.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

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BSH HOME APPLIANCES CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
100 BOSCH BOULEVARD
NEW BERN NC 28562

MAILED
MAR 12 2012
OFFICE OF PETITIONS

In re Application of :
Hempel :
Application No. 12/308,345 : DECISION ON PETITION
Filed: December 12, 2008 :
Attorney Docket No. 2006P01059WOUS :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 7, 2012, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to submit a corrected drawing in a timely manner in reply to the Notice of Allowability, mailed October 12, 2011, which set a period for reply of three (3) months. Accordingly, this application became abandoned on January 13, 2012. A Notice of Abandonment was mailed on February 6, 2012.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a corrected drawing, (2) the petition fee of $1,860.00, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571)272-3230.

This application is being referred to the Office of Data Management for consideration of the drawing filed on February 7, 2012.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : December 22, 2011

In re Application of :

Dongsheng Wang

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12308360

Filed : 09-Apr-2009

Attorney Docket No : 8007P017

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed December 22, 201,1to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

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

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

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

This application file is being referred to Technology Center AU 2879 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	12308360
Filing Date	09-Apr-2009
First Named Inventor	Dongsheng Wang
Art Unit	2879
Examiner Name	PETER MACCHIAROLO
Attorney Docket Number	8007P017
Title	VALVE-TYPE OIL FEEDER

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	/Lester Vincent/
Name	Lester J. Vincent
Registration Number	31460

UNITED STATES 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 09 2011

PCT LEGAL ADMINISTRATION

Davidson, Davidson & Kappel, LLC
485 Seventh Avenue, 14th Floor
New York NY 10018

In re Application of SANDRIN et al
U.S. Application No.: 12/308,418
PCT Application No.: PCT/FR2007/001002
Int. Filing Date: 15 June 2007
Priority Date Claimed: 15 June 2006
Attorney Docket No.: 511.1109
For: METHOD OF MEASURING VISCOELASTIC PROPERTIES OF BIOLOGICAL TISSUE EMPLOYING AN ULTRASONIC TRANSDUCER

DECISION

This is in response to applicant's correspondence filed 13 June 2011, which is being treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 15 June 2007, applicant filed international application PCT/FR2007/001002, which claimed priority of an earlier France application filed 15 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 15 December 2008.

On 15 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 20 May 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 23 June 2010, applicant filed an executed declaration.

On 25 May 2011, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which identified a discrepancy with regard to the inventive entity.

On 13 June 2011, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

A review of the most recent bibliographic data for international application number PCT/FR2007/001002 reveals that the inventive entity shown on the declaration is consistent with that listed in the international application. Accordingly, the Notification of Defective Response was sent in error.

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 15 June 2007, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 23 June 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
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
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Alexandria, VA 22313-1450
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JAN 14 2011

PCT LEGAL ADMINISTRATION

AMS RESEARCH CORPORATION
10700 BREN ROAD WEST
MINNETONKA MN 55343

In re Application of :
Dockendorf et al. :
Application No. 12/308,436 :
PCT No.: PCT/US2007/014120 :
Int. Filing Date: 15 June 2007 : DECISION
Priority Date: 16 June 2006 :
Atty. Docket No.: AMS-3419-US (AMS0112/US) :
For: Surgical Implants, Tools, And Methods :
For Treating Pelvic Conditions :

This is in response to the petition under 37 CFR 1.182 filed on 12 November 2010.

BACKGROUND

This international application was filed on 15 June 2007, claimed an earlier priority date of 16 June 2006, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 27 December 2007. The 30 month time period for paying the basic national fee in the United States expired at midnight on 16 December 2008. Applicants filed, *inter alia*, the basic national fee on 15 December 2008.

On 10 June 2010, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

On 29 October 2010, applicants filed a response.

On 02 November 2010, a Notification of Defective Response (Form PCT/DO/EO/916) was mailed to applicants.

DISCUSSION

Inspection of the executed declaration filed on 29 October 2010 reveals that it nominates "Kelly Ann Chapman" in place of "DOCKENDORF, Kelly, Ann" named in the published international application. MPEP 605.04(b) states in part that

> *Except for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed from the typewritten version to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 37 CFR 1.182 together with an appropriate petition fee.*

In that the requested change clearly represents more than the correction of a typographical or transliteration error, a formal petition under 37 CFR 1.182 would be required in order for the change to be accepted. Any such petition should be accompanied by a first-hand

statement, preferably by the inventor himself, stating the relevant facts. *See also* MPEP 1893.01(e).

Applicants have filed such a petition. The petition includes a statement by Kelly Ann Chapman, who states that both names pertain to her and that her name change was the result of marriage. Based on the totality of the evidence currently of record, it would be appropriate to accept her name as it appears on the declaration.

DECISION

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

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 **29 October 2010**.

/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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CHARLES E. BAXLEY, ESQUIRE
90 JOHN STREET
SUITE 403
NEW YORK, NY 10038

MAILED
MAY 04 2011
PCT LEGAL ADMINISTRATION

In re Application of SH-YU :
U.S. Application No.: 12/308,448 :
PCT Application No.: PCT/CN2007/003234 :
Int. Filing Date: 15 November 2007 : DECISION
Priority Date Claimed: 11 September 2007 :
Attorney Docket No.: 17901 B (6004 SF) :
For: ELECTROLYTIC EQUIPMENT IN THE :
FORM OF RADIATION MODE :

This is in response to applicant's "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 07 March 2011.

BACKGROUND

On 15 November 2007, applicant filed international application PCT/CN2007/003234, which claimed priority of an earlier China application filed 11 September 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 19 March 2009. The thirty-month period for paying the basic national fee in the United States expired on 11 March 2010.

On 15 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 26 April 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 proper English translation of the international application claims must be filed.

On 07 May 2010, applicant submitted a purported translation of the international application claims.

On 15 September 2010, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which indicated that the translation filed 07 May 2010 was improper.

On 17 February 2011, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909), which indicated that the application is abandoned for failure to timely respond to the Notification of Defective Response.

On 07 March 2011, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

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 not provided the required reply under 35 U.S.C. 371. Specifically, the translation of the claims should not contain status indicators such as "(Withdrawn)". The translation must be a literal translation of the international application.

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.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is DISMISSED without prejudice

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). 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.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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JUL 27 2011

PCT LEGAL ADMINISTRATION

CHARLES E. BAXLEY, ESQUIRE
90 JOHN STREET
SUITE 403
NEW YORK, NY 10038

In re Application of SHYU :
U.S. Application No.: 12/308,448 :
PCT Application No.: PCT/CN2007/003234 :
Int. Filing Date: 15 November 2007 : DECISION
Priority Date Claimed: 11 September 2007 :
Attorney Docket No.: 17901 B (6004 SF) :
For: ELECTROLYTIC EQUIPMENT IN THE :
FORM OF RADIATION MODE :

This is in response to applicant's renewed petition 37 CFR 1.137(b) filed 23 May 2011.

BACKGROUND

On 15 November 2007, applicant filed international application PCT/CN2007/003234, which claimed priority of an earlier China application filed 11 September 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 19 March 2009. The thirty-month period for paying the basic national fee in the United States expired on 11 March 2010.

On 15 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 26 April 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 proper English translation of the international application claims must be filed.

On 07 May 2010, applicant submitted a purported translation of the international application claims.

On 15 September 2010, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which indicated that the translation filed 07 May 2010 was improper.

On 17 February 2011, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909), which indicated that the application is abandoned for failure to timely respond to the Notification of Defective Response.

On 07 March 2011, applicant filed a petition under 37 CFR 1.137(b).

On 04 May 2011, this Office mailed a decision dismissing the 07 March 2011 petition.

On 23 May 2011, applicant filed the instant renewed petition under 37 CFR 1.137(b).

DISCUSSION

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.

Applicant previously satisfied items (2)-(4) above.

With regard to item (1), applicant has not provided the required reply under 35 U.S.C. 371. Specifically, the purported translation of the claims contains a different number of claims than the original claim set. The translation must be a literal translation of the international application.

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.137(b) is DISMISSED without prejudice

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). 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.

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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SUITE 403
NEW YORK, NY 10038

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OCT 21 2011
PCT LEGAL ADMINISTRATION

In re Application of SHYU :
U.S. Application No.: 12/308,448 :
PCT Application No.: PCT/CN2007/003234 :
Int. Filing Date: 15 November 2007 : DECISION
Priority Date Claimed: 11 September 2007 :
Attorney Docket No.: 17901 B (6004 SF) :
For: ELECTROLYTIC EQUIPMENT IN THE :
FORM OF RADIATION MODE :

This is in response to applicant's renewed petition 37 CFR 1.137(b) filed 06 September 2011.

BACKGROUND

On 15 November 2007, applicant filed international application PCT/CN2007/003234, which claimed priority of an earlier China application filed 11 September 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 19 March 2009. The thirty-month period for paying the basic national fee in the United States expired on 11 March 2010.

On 15 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 26 April 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 proper English translation of the international application claims must be filed.

On 07 May 2010, applicant submitted a purported translation of the international application claims.

On 15 September 2010, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which indicated that the translation filed 07 May 2010 was improper.

On 17 February 2011, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909), which indicated that the application is abandoned for failure to timely respond to the Notification of Defective Response.

On 07 March 2011, applicant filed a petition under 37 CFR 1.137(b).

On 04 May 2011, this Office mailed a decision dismissing the 07 March 2011 petition.

On 23 May 2011, applicant filed a renewed petition under 37 CFR 1.137(b).

On 27 July 2011, this Office mailed a decision dismissing the 23 May 2011 petition.

On 06 September 2011, applicant filed the instant renewed petition under 37 CFR 1.137(b).

DISCUSSION

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.

Applicant previously satisfied items (2)-(4) above.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.137(b) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 15 November 2007, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 06 September 2011.

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
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UNITED STATES PATENT AND TRADEMARK OFFICE

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MAILED

FEB 08 2011

PCT LEGAL ADMINISTRATION

Davidson, Davidson & Kappel, LLC
485 7th Avenue
14th Floor
New York NY 10018

In re Application of	:	
DAEUBLER (Deceased)	:	DECISION ON
Application No.: 12/308,523	:	
PCT No.: PCT/DE07/01052	:	REQUEST
Int. Filing Date: 14 June 2007	:	
Priority Date: 20 June 2006	:	UNDER 37 CFR 1.42
Attorney Docket no.: 5038.1074	:	
For: METHOD OF REPAIRING RUN-IN COATINGS	:	

This is a decision on applicant's submission filed in the United States Patent and Trademark Office (USPTO) on 30 August 2010 and treated as a request under 37 CFR 1.42.

BACKGROUND

On 17 December 2008, applicant filed a transmittal letter requesting entry into the U.S. national stage for international application PCT/DE07/01052. On 27 February 2009, applicant filed an executed declaration to satisfy the requirements of 35 U.S.C. 371 that an oath or declaration of the inventors be furnished.. The declaration was signed by inventors and by the heirs for deceased inventor Manfred A. Daeubler. A statement from the heirs indicates that all of heirs of the deceased inventor have been identified.

On 22 March 2010, a decision was mailed to applicant indicating that the declaration was not acceptable because with respect to the deceased inventor Manfred Daeubler and heir Dieter Daeubler, it indicates the citizenship, the residency and mailing address for only one individual. On 30 July 2010, 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), was required.

DISCUSSION

37 CFR 1.497(a)(3) requires that the declaration identify each inventor and the country of citizenship of each inventor. 37 CFR 1.497(b)(2) requires the declaration to state the relationship of the person (under 37 CFR 1.42) making the declaration for a deceased inventor. 37 CFR 1.497(b)(2) further states that, if the person signing the oath or declaration is the legal representative (heir) of a deceased inventor, the oath or declaration must state that the person is a legal representative (heir) and indicate the citizenship, residency and mailing address of the legal representative (heir). The declaration must also state the citizenship, residency and mailing address of the deceased inventor to comply with 37 CFR 1.497(a)(3).

The declaration filed on 30 August 2010 is acceptable because with respect to the deceased inventor Manfred Daeubler, the declaration provides the signature of legal representative of legally incapacitated heir Dieter Daeubler and the signature of the heir Renate Medritzki. The declaration indicates the citizenship, the residency and mailing address for all inventors, including the deceased inventor, his heirs and the legal representative of the legally incapacitated heir. The declaration is also executed by the joint inventors. Accordingly, it is appropriate accord the application status under 37 CFR 1.42.

The submission of the declaration executed by all of the heirs of the deceased inventor is hereby construed as an indication that no legal representative of the deceased's estate has been appointed or is statutorily required to be appointed. If this interpretation is incorrect applicant is required to promptly notify the Office of such and to submit a declaration properly executed by the legal representative of the deceased inventor in response to this decision.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **GRANTED.**

The Notification of Acceptance mailed on 21 September 2010 remains in effect. The application will be forwarded to Art Unit 1715 for examination in due course.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

Telephone: 571-272-3286
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

APR 0 1 2011

OFFICE OF PETITIONS

In re Application of :
Shuji Arakawa, et al. :
Application No.: 12/308,579 : ON PETITION
Filed: December 18, 2008 :
Attorney Docket No.: 99V-005-TN :

This is a decision on the petition, filed March 31, 2011, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on March 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 relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2612 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

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

MAILED
AUG 16 2011
OFFICE OF PETITIONS

In re Application of :
Frank, et al. :
Application No. 12/308,597 : ON PETITION
Filed: February 24, 2009 :
Attorney Docket No. **1238.041US1**

This is a decision on the petition under 37 CFR 1.182 filed August 1, 2011, to change the name of a joint inventor cited on this application in USPTO records.

The petition is granted.

The name of the fourth named joint inventor for the above-cited application is changed to "Michaela Michelbrink".

A corrected filing receipt is enclosed.

The application file is being directed to Technology Center GAU 1776 for further processing.

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

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
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
12/308,597	02/24/2009	1766	1786	1238.041US1	33	3

CONFIRMATION NO. 9286

CORRECTED FILING RECEIPT

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

OC00000049253150

Date Mailed: 08/11/2011

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)

Albert Frank, Xanten, GERMANY;
Wolfgang Griesel, Hamminkeln, GERMANY;
Petra D. Valentina, Dinslaken, GERMANY;
Michaela Michelbrink, Rees, GERMANY;

Assignment For Published Patent Application

BYK-Chemie GmbH, Wesel, GERMANY

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

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/EP2007/005895 07/04/2007

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 102006031152.3 07/04/2006

If Required, Foreign Filing License Granted: 06/11/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/308,597**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Polyhydroxy-Functional Polysiloxanes, method for the production and use thereof

Preliminary Class

525

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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KAGAN BINDER, PLLC
SUITE 200, MAPLE ISLAND BUILDING
221 MAIN STREET NORTH
STILLWATER, MN 55082

MAILED

NOV 17 2010

PCT LEGAL ADMINISTRATION

In re Application of OGDAHL et al :
U.S. Application No.: 12/308,598 :
PCT Application No.: PCT/US2007/014780 :
Int. Filing Date: 22 June 2007 :
Priority Date Claimed: 22 June 2006 : DECISION
Attorney Docket No.: AMS-3060-PCT-US :
(AMS0142/US) :
For: ADJUSTABLE TENSION INCONTINENCE :
SLING ASSEMBLIES :

This is in response to applicant's correspondence filed 31 August 2010, which is being treated as petitions under 37 CFR 1.497(d) and 1.182.

BACKGROUND

On 22 June 2007, applicant filed international application PCT/US2007/014780, which claimed priority of an earlier United States application filed 22 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 15 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 an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 26 July 2010, applicant filed an executed declaration.

On 05 August 2010, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which identified certain discrepancies with regard to the inventive entity.

On 31 August 2010, applicant filed the present petitions under 37 CFR 1.497(d) and 1.182.

DISCUSSION

I. Petition under 37 CFR 1.497(d)

The petition states that Amanda Heys should be added as an inventor.

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 statement has been provided.

With regard to item (2) above, the requisite processing fee has been provided.

With regard to item (3) above, the statement of written consent of the purported assignee is not signed by a person who either (1) has apparent authority to sign on behalf of the assignee (e.g. president, vice president, secretary, or treasurer) or (2) states that he is authorized to act on behalf of the assignee.

With regard to item (4) above, a new declaration under 37 CFR 1.497(f) is not required.

II. Petition under 37 CFR 1.182

The petition states that the surname of the fourth inventor has changed.

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.

CONCLUSION

For the reasons in §I above, the petition under 37 CFR 1.497(d) is DISMISSED without prejudice.

For the reasons in §II above, the petition under 37 CFR 1.182 is GRANTED.

If reconsideration on the merits of the petition under 37 CFR 1.497(d) 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). 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.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

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STILLWATER, MN 55082

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FEB 03 2011

PCT LEGAL ADMINISTRATION

In re Application of OGDAHL et al :
U.S. Application No.: 12/308,598 :
PCT Application No.: PCT/US2007/014780 :
Int. Filing Date: 22 June 2007 :
Priority Date Claimed: 22 June 2006 : DECISION
Attorney Docket No.: AMS-3060-PCT-US :
(AMS0142/US) :
For: ADJUSTABLE TENSION INCONTINENCE :
SLING ASSEMBLIES :

This is in response to applicant's renewed petition under 37 CFR 1.497(d) filed 06 January 2011.

BACKGROUND

On 22 June 2007, applicant filed international application PCT/US2007/014780, which claimed priority of an earlier United States application filed 22 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 15 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 an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 26 July 2010, applicant filed an executed declaration.

On 05 August 2010, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which identified certain discrepancies with regard to the inventive entity.

On 31 August 2010, applicant filed petitions under 37 CFR 1.182 and 1.497(d).

On 17 November 2010, this Office mailed a decision granting the 31 August 2010 petition under 37 CFR 1.182 and dismissing the petition under 37 CFR 1.497(d).

On 06 January 2011, applicant filed the instant renewed petition under 37 CFR 1.497(d).

DISCUSSION

The petition states that Amanda Heys should be added as an inventor.

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.

Applicant previously satisfied items (1), (2), and (4) above.

With regard to item (3) above, written consent of the assignee has been provided.

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.497(d) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 22 June 2007, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 26 July 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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LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA VA 22182-3817

MAILED

APR 09 2012

OFFICE OF PETITIONS

In re Application of
Diptendu MITRA et al.
Application No.: 12/308,647
Filed: December 19, 2008
Attorney Docket No.: WN-3050P
For: COMMUNICATION SYSTEM

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed March 05, 2012, to make the above-identified application special.

The request and petition are **GRANTED**.

DISCUSSION

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

1. The U.S. application is
    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim;
2. Applicant must:

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;

3. Examination of the U.S. application has not begun;
4. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
      ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
5. Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

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

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

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.

Thurman K. Page
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.
12/308,663	12/19/2008	Xingang Pan	P72943US0	7746

136 7590 11/21/2011

JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON, DC 20004

EXAMINER	
BESLER, CHRISTOPHER JAMES	
ART UNIT	PAPER NUMBER
3726	
MAIL DATE	DELIVERY MODE
11/21/2011	PAPER

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

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

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JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON DC 20004

In re Application of:	
PAN, XINGANG	DECISION ON A REQUEST TO
Serial No.: 12/308,663	PARTICIPATE IN PATENT
Filed: Dec. 19, 2008	PROSECUTION HIGHWAY
Attorney Docket No. : P72943US0	PROGRAM AND PETITION
Title: METHOD OF MANUFACTURING THE BACKREST, SEAT-CUSHION AND ARMREST OF SOFA BY USING BOW-SHAPED SPRINGS	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 Nov. 18, 2011 to make the above-identified application special.

The request and petition are **granted.**

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the IPAU;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the IPAU 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 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) 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 IPAU examiner in the IPAU 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.

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

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.
12/308,713	12/02/2009	Seh-Won Ahn	8736.297.00	4968

30827 7590 10/14/2010
MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON, DC 20006

EXAMINER	
ART UNIT	PAPER NUMBER
1795	

MAIL DATE	DELIVERY MODE
10/14/2010	PAPER

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OCT 14 2010

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In re application of	:	DECISION ON REQUEST TO
She-Won Ahn et al.	:	PARTICIPATE IN PATENT
Serial No. 12/308,713	:	PROSECUTION HIGHWAY
Filed: December 22, 2008	:	PROGRAM AND
For: HIGHLY EFFICIENCY SOLAR CELL	:	PETITION TO MAKE SPECIAL
AND MANUFACTURING METHOD THEROF	:	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, filed August 11, 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

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

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

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

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof 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), the translated claims submitted on August 11, 2010 with the PPH request do not match the Article 34 amended claims of PCT/KR2007/003208 for which the International Preliminary Examination Report was based upon. Specifically, the claims having a positive opinion for novelty, inventive step and industrial applicability are of a different scope than the translated claims and the claims of the present application. It is noted that the present PPH request was accompanied by three KIPO prepared national Office actions. These Office actions and a holding of allowable claims in a KIPO national application cannot serve as a basis for a PCT-based PPH request.

Any response must be filed via the Electronic Filing System (EFS). Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

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

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

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/308,713	12/02/2009	Seh-Won Ahn	8736.297.00	4968

30827 7590 10/25/2010
MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON, DC 20006

EXAMINER	
ART UNIT	PAPER NUMBER
1795	

MAIL DATE	DELIVERY MODE
10/25/2010	PAPER

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

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October 25, 2010

In re application of	:	DECISION ON REQUEST TO
She-Won Ahn et al.	:	PARTICIPATE IN PATENT
Serial No. 12/308,713	:	PROSECUTION HIGHWAY
Filed: December 22, 2008	:	PROGRAM AND
For: HIGHLY EFFICIENCY SOLAR CELL	:	PETITION TO MAKE SPECIAL
AND MANUFACTURING METHOD THEROF	:	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 October 21, 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

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

BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

MAILED
DEC 01 2010
OFFICE OF PETITIONS

Applicant: Markus Brunner
Appl. No.: 12/308,753
International Filing Date: July 11, 2007
Title: METHOD FOR THE PRODUCTION OF MAGNET CORES, MAGNET CORE AND INDUCTIVE COMPONENT WITH A MAGNET CORE
Atty. Docket No.: 0070747-000021
Pub. No.: US 2009/0320961 A1
Pub. Date: December 31, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on February 2, 2010, for the above-identified application.

Applicant requests that the application be republished because the patent application publication contains material error, resulting from faulty optical character recognition.

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

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BUCHANAN, INGRSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

MAILED
NOV 03 2011
OFFICE OF PETITIONS

Applicant: Markus Brunner
Appl. No.: 12/308,753
International Filing Date: July 11, 2007
Title: METHOD FOR THE PRODUCTION OF MAGNET CORES, MAGNET CORE AND INDUCTIVE COMPONENT WITH A MAGNET CORE
Attorney Docket No.: 0070747-000021
Pub. No.: US 20110056588 A9
Pub. Date: March 10, 2011

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on May 5, 2011, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors in the claims.

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 points out an error in a corrected publication published by the Office to correct error identified by the applicant. The newly pointed out error occurred in the previous publication (US20090320961 A1), but was not identified by the applicant as an error. Since applicants are supposed to point out all errors, the request will not be granted.

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] 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).

§ 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 Karen Creasy at (571) 272-3208.

/Christopher Bottorff/

Christopher Bottorff
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
www.uspto.gov

Fulbright & Jaworski, LLP
666 Fifth Ave
New York NY 10103-3198

MAILED

OCT 12 2010

PCT LEGAL ADMINISTRATION

In re Application of:
CLEMENT et al.
Application No.: 12/308,782
PCT No.: PCT/FR2007/051536
Int. Filing Date: 26 June 2007
Priority Date: 26 June 2006
Attorney Docket No.: NY-GRYN 259-US
For: METHOD OF MODELLING NOISE INJECTED INTO AN ELECTRONIC SYSTEM

DECISION ON PETITION

This decision is issued in response to applicants' "Renewed Petition under 37 CFR 1.47(a) and Response to Decision on Petition" filed 02 September 2010 to accept the application without the signature of joint-inventor, Benoit FABIN.

BACKGROUND

On 26 June 2007, applicants filed international application PCT/FR2007/051536 which claimed a priority date of 26 June 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, 26 December 2008.

On 23 December 2008, applicants filed electronically a U.S. national stage application that included, among other materials, payment of the U.S. basic national fee; a translation of the international application; and a preliminary amendment.

On 07 August 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 March 2010, applicants filed a petition under 37 CFR 1.47(a) and five-month extension of time. In a decision dated 23 July 2010, applicants' petition under 37 CFR 1.47(a) was dismissed without prejudice.

On 02 September 2010, applicants filed the present renewed petition under 37 CFR 1.47(a) which included a declaration executed by Francois CLEMENT and Amine DHIA.

DISCUSSION

Applicants claim that co-inventor Benoit FABIN refuses to cooperate in the above-captioned application.

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

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

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

The 37 CFR 1.47(a) applicants provided evidence that a complete copy of the subject application was sent to the last known address of the nonsigning inventor on 18 January 2010. The documents provided to Mr. FABIN included instructions to the sign and return the declaration. Further, the subject petition noted that the documents were delivered to Mr. Fabin and subsequently returned on 29 January 2010. These materials provide the required firsthand statement regarding the delivery to the nonsigning inventor of a copy of the complete application, and the nonsigning inventor's refusal to execute the application, with documentary evidence supporting the statement. Item (2) is therefore satisfied.

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

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

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

Here, applicants have filed declarations executed by two of the three inventors and including an unsigned signature box identifying the nonsigning inventor (Benoit FABIN). This declaration is treated as having been executed by the available inventors on their behalf and on behalf of the nonsigning inventor. Accordingly, item (4) is therefore satisfied.

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

CONCLUSION

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

The application will be given an international filing date of 26 June 2007 under 35 U.S.C. 363, and a date of **02 September 2010** under 35 U.S.C. 371(c).

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

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

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

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

Benoit Fabin
17 rue Amedee Morel
38000 Grenoble
France

MAILED

OCT 12 2010

PCT LEGAL ADMINISTRATION

In re Application of:
CLEMENT et al.
Application No.: 12/308,782
PCT No.: PCT/FR2007/051536
Int. Filing Date: 26 June 2007
Priority Date: 26 June 2006
Attorney Docket No.: NY-GRYN 259-US
For: METHOD OF MODELLING NOISE INJECTED INTO AN ELECTRONIC SYSTEM

Dear Benoit Fabin:

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

Counsel of Record:
Fulbright & Jaworski, LLP
666 Fifth Ave
New York NY 10103-3198a

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MAY 27 2011

OFFICE OF PETITIONS

IM IP Law PLLC
P.O. Box 355
Scarsdale NY 10583

In re Application of :
Francois Clement et al. :
Application No. 12/308,782 :
Filed: September 2, 2010 :
Attorney Docket No. **GRYN259US** :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed May 19, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks the name of the first inventor or the assignee of record that is associated with the address listed in the request. Therefore, the change of correspondence address is considered improper.

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

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

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

A courtesy copy of this decision is being mailed to the address on the request. However, all future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

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

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Flubright & Jaworski L.L.P.
2200 Ross Avenue, Suite 2800
Dallas, TX 75201-2784

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IM IP Law PLLC
P.O. Box 355
Scarsdale NY 10583

MAILED

JUL 12 2011

OFFICE OF PETITIONS

In re Application of :
Francois Clement et al. :
Application No. 12/308,782 :
Filed: September 2, 2010 :
Attorney Docket No. **GRYN259US** :

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 June 29, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office 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 Jody Bishop on behalf of all attorneys of record who are associated with Customer Number 024972.

All attorneys/agents associated with Customer Number 024972 have been withdrawn.

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

A courtesy copy of this decision is being mailed to the address on the request. However, all future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

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

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

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Flubright & Jaworski L.L.P.
2200 Ross Avenue, Suite 2800
Dallas, TX 75201-2784

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W. NORMAN ROTH
18300 River Ford Drive
Davidson NC 28036

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AUG 01 2011

OFFICE OF PETITIONS

In re Application of :
Hyun June Lee et al. :
Application No. 12/308,817 : DECISION ON PETITION
Filed: December 24, 2008 :
Attorney Docket No. OPP-080922-US :

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

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before May 16, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed February 15, 2011. Accordingly, the date of abandonment of this application is May 17, 2011. A Notice of Abandonment was mailed on June 6, 2011.

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

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

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

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

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

/Kimberly A. Inabinet/

Kimberly A. Inabinet
Petitions Examiner
Office of Petitions

cc: William G. Lane
P.O. Box 54445
La Quinta, CA 92248

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ABELMAN, FRAYNE & SCHWAB
666 THIRD AVENUE, 10TH FLOOR
NEW YORK, NY 10017

MAILED

AUG 31 2011

OFFICE OF PETITIONS

In re Application of :
Jens Flemming, et al. :
Application No.: 12/308,872 : ON PETITION
Filed: December 24, 2008 :
Attorney Docket No.: 210,123 :

This is a decision in response to the petition, filed July 6, 2011, under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision. *Note* 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment."

The application was held abandoned for a failure to reply in a timely manner to the non-final Office action mailed, December 14, 2010. A Notice of Abandonment was mailed on June 28, 2011.

Petitioner states that a search of the file jacket and docket records indicates that the Office action was not received. In support, petitioner has provided a declaration from the firm's patent docket clerk and a copy of the docket records where the Office Action would have been entered, had it been received.

A review of the written record indicates no irregularity in the mailing of the Office action of December 14, 2010, and, in the absence of any irregularity, there is a strong presumption that the Notice was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received.

The showing required to establish non-receipt 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 non-received Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the non-received Office action must be submitted as documentary proof of non-receipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar, reminder system, or the individual docket record for the application in question.

The instant petition does not establish non-receipt of the Notice in compliance with the procedures set for at MPEP 711.03(c). Specifically, the petition does not describe the system used for recording an Office action received at the correspondence address of record and there is no statement establishing the reliability of the docketing system. Absent the required evidence to establish non-receipt of the Office action, the petition requesting withdrawal of the holding of abandonment cannot be granted at this time.

If petitioner cannot supply the evidence necessary to withdraw the holding of abandonment, or simply does not wish to, petitioner should consider filing a petition under 37 CFR 1.137(b) stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required petition fee.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

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

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

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

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

By Internet: EFS-Web[1]

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

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

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NEW YORK, NY 10017

MAILED

SEP 21 2011

OFFICE OF PETITIONS

In re Application of :
Jens Flemming, et al. :
Application No. 12/308,872 : DECISION ON PETITION
Filed: December 24, 2008 :
Attorney Docket No.: 210,123 :

This is a decision on the renewed petition, filed September 8, 2011, under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely reply to a non-final Office action mailed December 14, 2010. On July 6, 2011, a petition under 37 CFR 1.181 was filed; however, the petition was dismissed in a decision mailed August 31, 2011. In response, on September 8, 2011, the present petition was filed.

On reconsideration, the petition establishes non-receipt of the Notice in compliance with the procedures set for at MPEP 711.03(c).

In view of the above, the Notice of Abandonment mailed June 28, 2011 is hereby vacated and the holding of abandonment withdrawn.

This application is being referred to the Technology Center technical support staff of Art Unit 1643 for re-mailing the Office action of December 14, 2010. The period for reply will run from the mailing date of the Office action.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries regarding this application should be directed to the Technology Center.

/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.
12/308,938	12/30/2008	Akiteru Kimura	140027	3177

25944 7590 12/02/2010

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

EXAMINER	
ELLIS, SUEZU Y	

ART UNIT	PAPER NUMBER
2876	

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):

OfficeAction25944@oliff.com
jarmstrong@oliff.com

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

In re Application of
KIMURA et al.
Application No.: 12/308,938
Filed: 30 December 2008
Attorney Docket No.: 140027
For: OPTICAL SYMBOL, ARTICLE TO WHICH THE OPTICAL SYMBOL IS ATTACHED, METHOD FOR...

: 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 12 November 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim;

2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s);
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must:
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
        iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;
6. Applicant must submit:
    a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
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. Accordingly, the above-identified application has been accorded "special" status.

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

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

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS, Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/308,947	12/30/2008	Hiroshi Otsuki	139995	7766

25944 7590 04/08/2011

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

EXAMINER	
TRAN, DIEM T	

ART UNIT	PAPER NUMBER
3748	

NOTIFICATION DATE	DELIVERY MODE
04/08/2011	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):

OfficeAction25944@oliff.com
jarmstrong@oliff.com

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

In re Application of:
OTSUKI, HIROSHI
Serial No.: 12/308,947
Filed: Dec. 30, 2008
Docket: 139995
Title: EXHAUST PURIFICATION DEVICE OF INTERNAL COMBUSTION ENGINE

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed March 15, 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 Tom Denion, SPE of Art Unit 3748 and 571-272-4859 for Class 60/286 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Petition is **granted**.

/Henry C. Yuen/

_____

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

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Jonathan Hangartner
X-Patents, APC
5670 La Jolla Blvd.
La Jolla, CA 92037

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APR 06 2012

OFFICE OF PETITIONS

In re Application of :
Gaston Glock :
Application No. 12/309,027 : DECISION ON PETITION
Filed: December 9, 2009 :
Attorney Docket No. GLK-0001 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 14, 2012, to revive the above-identified application.

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

The application became abandoned for failure to file a timely reply to the Notice of Allowance and Fee(s) Due mailed October 28, 2011. A Notice of Abandonment was mailed on February 10, 2012.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of $1,740 for payment of the issue fee and $300 for payment of the publication fee; (2) the petition fee of $1,860; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**[1].

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/
Andrea Smith
Petitions Examiner
Office of Petitions

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

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BREINER & BREINER, L.L.C.
P.O. BOX 320160
ALEXANDRIA VA 22320-0160

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JAN 10 2011

OFFICE OF PETITIONS

In re Patent No. 7,739,992 :
Hiroshi Okabe :
Application No. 12/309,041 : NOTICE
Filed: January 5, 2009 :
Attorney Docket No. 7231/PCT :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 on September 20, 2010.

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

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

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

Inquiries related to this communication should be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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January 4, 2012

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

In re Application of	:	
Rabner, Arthur et.al	:	**DECISION ON PETITION**
Application No. 12/309,046	:	
Filed: 01/05/2009	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. 45343	:	***DRAWINGS***

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) January 05, 2009.

The petition is **GRANTED**.

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

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

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

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

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

UNITED STATES PATENT and TRADEMARK OFFICE

18 AUG 2010

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BASF Corporation
Patent Department
500 White Plains Road
P.O. Box 2005
Tarrytown NY 10591

In re Application of	:	DECISION ON
MARQUAIS-BIENWALD et al	:	
Application No.: 12/309,091	:	
PCT No.: PCT/EP2007/056705	:	
Int. Filing Date: 04 July 2007	:	PETITION
Priority Date: 14 July 2006	:	
Attorney's Docket No.: HM/13-23521/A/PCT	:	
For: POLYSILOXANE ANTIMICROBIALS	:	UNDER 37 CFR 1.182

This decision is in response to the "Transmission filing" filed on 06 January 2009, which is being treated as a petition under 37 CFR 1.182 to correct PCT serial number from the entry of PCT/EP2007/056705 to PCT/EP2007/05673. Applicants have not paid the petition fee of $400.00.

BACKGROUND

On 04 July 2007, this international application was filed, claiming an earliest priority date of 14 July 2006.

On 06 January 2009, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied, inter alia, by the requisite basic national fee as required by 35 U.S.C. 371 (c)(1).

However, the incorrect PCT number was submitted at the time of filing.

DISCUSSION

Applicants have entered the incorrect PCT serial number, PCT/EP2007/056705, at the time of filing the national application, as this international application does not match either the title and co-inventors listed in the transmittal letter. Applicants will need to correct the incorrect PCT serial number and explain the error.

Once the petition is granted the correct number will be reflected in the filing receipt.

DECISION

The petition under 37 CFR 1.182 is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.182," and the petition must be paid.

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

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

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BASF Corporation
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Tarrytown NY 10591

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DEC 17 2010

PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
MARQUAIS-BIENWALD et al	:	
Application No.: 12/309,091	:	
PCT No.: PCT/EP2007/056703	:	
Int. Filing Date: 04 July 2007	:	PETITION
Priority Date: 14 July 2006	:	
Attorney's Docket No.: HM/13-23521/A/PCT	:	
For: POLYSILOXANE ANTIMICROBIALS	:	UNDER 37 CFR 1.182

This decision is in response to the "RENEWED PETITION UNDER CFR 1.182" filed on 19 October 2010, to accept entry of the above identified application into the national stage with the corrected PCT number of **PCT/EP2007/056703**. The petition fee of $400.00 has been charged to petitioner's Deposit Account NO.: 50-3852.

BACKGROUND

In a decision from this Office on 18 August 2010, the decision stated that applicants will need to correct the incorrect PCT serial number and explain the error.

On 19 October 2010, petitioner filed the current petition which included the correct petition serial number and the petition fee.

DISCUSSION

Petitioner states that the PCT number was incorrect because it was inadvertently typed as PCT/EP2007/056705 rather than the correct number **PCT/EP2007/056703**.

Although applicants entered the incorrect PCT serial number at the time of filing the application, the correct PCT number PCT/EP2007/056703 was placed in the second sheet of the transmittal letter (PTO-1390) and PCT papers with the correct PCT serial numbers were provided. Accordingly, there is sufficient evidence that the correct international application PCT number is **PCT/EP2007/056703**.

Therefore, petition to accept the correct PCT number of **PCT/EP2007/056703** 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

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ABELMAN, FRAYNE & SCHWAB
666 THIRD AVENUE, 10TH FLOOR
NEW YORK NY 10017

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OFFICE OF PETITIONS

In re Patent No. 8,062,597 :
Issue Date: November 22, 2011 :
Application No. 12/309,125 : ON PETITION
Filed: January 6, 2009 :
Attorney Docket No. 210,146 :

This is a decision on the petition filed December 20, 2011, which is being treated as a request under 37 CFR 3.81(b)[1] to add the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The petition is **Dismissed**.

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

Any request for issuance of an application in the name of the assignee submitted after the date of the payment of the issue fee, and any request that a patent be corrected to state the name of assignee must:

(A) state the assignment was submitted for recordation as set forth in 37 CFR §3.11 before issuance of the patent;

(B) provide a request for a certificate of correction §1.323;

(C) provide the fee set forth in 37 CFR §1.20 (a) and

(D) provide the processing fee set forth in 37 CFR §1.17(i)

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

Petitioner has failed to provide (B). Petitioner has requested that the assignees "SK Innovation Co., Ltd and SK Global Chemical Co., Ltd.," be added to the front page of the patent. However a review of the record shows that the certificate of correction provided does not match the assignment records. The records show that the assignee prior to issuance of the application is "SK Innovation Co., Ltd.".

Deposit account 01-0035 will be charged the $130.00 processing fee.

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

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By facsimile:	(571) 273-8300
By delivery service: FedEx, UPS, DHL, etc.)	U.S. Patent and Trademark Office Customer Service Window, Randolph Building 401 Dulany Street Alexandria, VA 22314

Correspondence regarding this decision may also be filed through the electronic filing system of the USPTO.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.

Charlema Grant

Charlema Grant
Attorney Advisor
Office of Petitions

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OFFICE OF PETITIONS

In re Patent No. 8,062,597 :
Issue Date: November 22, 2011 :
Application No. 12/309,125 : ON PETITION
Filed: January 6, 2009 :
Attorney Docket No. 210.146 :

This is a decision on the renewed petition filed March 9, 2012, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3215. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (703) 756-1814.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

Charlema Grant
Attorney Advisor
Office of Petitions

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

16 AUG 2010

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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON VA 20195

In re Application of	:	
Lauritsen	:	
Application No.: 12/309,176	:	
PCT No.: PCT/DK2007/000208	:	
Int. Filing Date: 30 April 2007	:	DECISION
Priority Date: 11 July 2006	:	
Attorney Docket No.: 36731-000089/US/NPB	:	
For: Method Of Operating A Media Player	:	

This is in response to the request for correction of the filing receipt, filed on 27 July 2009.

BACKGROUND

This international application was filed on 30 April 2007, claimed a earlier priority date of 11 July 2006, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 17 January 2008. The 30 month time period for paying the basic national fee in the United States expired at midnight on 12 January 2009 (since 11 January 2009 was a Sunday). Applicants filed *inter alia* the basic national fee on 09 January 2009.

DISCUSSION

Applicants "request issuance of a corrected Official Filing Receipt" showing a claim to provisional application 60/819,645. Review of the application file reveals that the reference required by 37 CFR 1.78(a)(5)(i) does not appear to have been made prior to the expiration of the time period under 37 CFR 1.78(a)(5)(ii). Applicants may wish to consider filing a petition pursuant to 37 CFR 1.78(a)(6).

DECISION

The request is **REFUSED**, without prejudice.

No response to this Decision is required. If reconsideration on the merits of this matter is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a).

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

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

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PCT LEGAL ADMINISTRATION

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON VA 20195

In re Application of
Lauritsen
Application No.: 12/309,176
PCT No.: PCT/DK2007/000208
Int. Filing Date: 30 April 2007
Priority Date: 11 July 2006
Attorney Docket No.: 36731-000089/US/NPB
For: Method Of Operating A Media Player

DECISION

This is in response to the request for reconsideration filed on 18 October 2010.

DISCUSSION

In a Decision mailed on 16 August 2010, applicants were advised that

> Applicants "request issuance of a corrected Official Filing Receipt" showing a claim to provisional application 60/819,645. Review of the application file reveals that the reference required by 37 CFR 1.78(a)(5)(i) does not appear to have been made prior to the expiration of the time period under 37 CFR 1.78(a)(5)(ii). Applicants may wish to consider filing a petition pursuant to 37 CFR 1.78(a)(6).

In response, counsel asserts that "a sufficient showing of a claim to priority was clearly evident at the time of filing this national stage application," in view of indications appearing in the declaration and the published international application.

37 CFR 1.78(a)(5)(i) states that

> Any nonprovisional application or international application designating the United States of America claiming the benefit of one or more prior-filed provisional applications must contain or be amended to contain a reference to each such prior-filed provisional application, identifying it by the provisional application number (consisting of series code and serial number).

MPEP 201.11 explains (in part) that "The later-filed application must contain a reference to the prior-filed application in the first sentence(s) of the specification or in an application data sheet, for a benefit claim under 35 U.S.C. 120, 121, or 365(c), and also for a benefit claim under 35 U.S.C. 119(e)." Despite the facts advanced by counsel, this application did not contain such a reference. Accordingly, it would not be appropriate to grant the requested relief on the basis of the present record.

DECISION

The request is **REFUSED**, without prejudice.

No response to this Decision is required. If reconsideration on the merits of this matter is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a).

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

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

29 SEP 2010

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Sonnenschein Nath & Rosenthal LLP
P.O. Box 061080
Wacker Drive Station, Willis Tower
Chicago IL 60606-1080

In re Application of :
KIM et al. :
U.S. Application No. 12/309,261 :
PCT No.: PCT/US2007/016287 :
Int. Filing Date: 17 July 2007 :
Priority Date: 17 July 2006 : DECISION ON PETITION
Attorney Docket No.: 065353-5006-US :
For: COMMUNICATION SYSTEM AND METHOD FOR NARROWCASTING :

This decision is issued in response to applicants' "Response to Decision on Petition Issued June 30, 2010 and Renewed Petition under 37 CFR 1.47(a)" filed 30 August 2010 to accept the application without the signature of joint-inventors, Isabella Chung and Nettana Samroengraja.

BACKGROUND

On 17 July 2007, applicants filed international application PCT/US2007/016287. 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, 17 January 2009.

On 13 January 2009, applicants filed a transmittal letter for entry into the national stage accompanied by, *inter alia,* the requisite basic national fee, preliminary amendment, and a copy of the international application.

On 21 September 2009, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (From 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 21 April 2010, applicants filed a petition under 37 CFR 1.47(a) and the fee for a five month extension of time. In a decision dated 30 June 2010, applicants' petition under 37 CFR 1.47(a) was dismissed without prejudice.

On 30 August 2010, applicants filed the present petition under 37 CFR 1.47(a).

DISCUSSION

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

Regarding item (2) above, section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.), **Proof of Unavailability or Refusal**, 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 statement of facts. It is important that the statement contain facts as opposed to conclusions.
>
> * * *
>
> 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.

a. Inventor Isabella Chung

It appears that petitioner is asserting that Isabella Chung cannot be found or reached after diligent effort. A review of the present petition reveals that applicants have not provided an acceptable showing that a diligent effort was made to reach the nonsigning inventor, Isabella Chung. Petitioner states that a copy of the application papers were sent to Isabella Chung, on 10 August 2010, and that the application papers were returned to counsel as "unable to forward." However, the single mailing of the papers to the nonsigning inventor's last known address does not constitute a "diligent" effort to locate the inventor. Applicants must show that alternative means were employed, such as a search of telephone and/or Internet directories, in an attempt to locate Isabella Chung.

b. Nettana Samroengraja

A review of the present petition reveals that petitioner has not satisfied item (2) above, in that the petitioner has not shown that a bona fide attempt was made to present the application papers, including the specification, claims, and drawings to Nettana Samroengraja. Petitioner fails to include evidence to demonstrate that the materials were actually received by the nonsigning inventors at their last known address. Where the Office is being asked to accept the silence of the nonsigning inventor as evidence of a refusal to sign, petitioner must provide some evidence that the application materials have been received by the nonsigning applicant.

Additionally, it is unclear whether the petitioner is asserting that the nonsigning inventor (Nettana Samroengraja) has refused to execute the application or cannot be located to execute the application. If Nettana Samroengraja cannot be located, applicants must show that alternative means were employed, such as a search of telephone and/or Internet directories, in an attempt to locate the nonsigning inventors. As stated above, copies of documentary evidence such as a certified mail return receipt, cover letter of instruction, telegrams, etc., should be supplied by a person having firsthand knowledge of the facts. Therefore, item (2) has not been satisfied.

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

For the reasons stated above, it would not be appropriate to accept the application without the signature of Isabella Chung and Nettana Samroengraja under 37 CFR 1.47(a)

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
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SNR Denton US LLP
P.O. Box 061080
Chicago, IL 60606-1080

MAILED
JUL 12 2011
PCT LEGAL ADMINISTRATION

In re Application of:
KIM et al.
U.S. Application No. 12/309,261
PCT No.: PCT/US2007/016287
Int. Filing Date: 17 July 2007
Priority Date: 17 July 2006
Attorney Docket No.: 065353-5006-US
For: COMMUNICATION SYSTEM AND METHOD FOR NARROWCASTING

DECISION ON PETITION

In a decision mailed by this Office on 29 September 2010, applicants' 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 (Isabella Chung and Nettana Samroengraja) had received a copy of the complete application papers and refused to execute the application.

On 29 April 2011, 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 Isabella Chung and Nettana Samroengraja included instructions to sign and return the declaration. These materials provide the required firsthand statement regarding the delivery to the nonsigning inventor (Isabella Chung and Nettana Samroengraja) of a copy of the complete application, and the nonsigning inventor's refusal to execute the application, with documentary evidence supporting the statement. The petition under 37 CFR 1.47(a) is **GRANTED**.

The application is accepted without the signature of nonsigning inventor, Isabella Chung and Nettana Samroengraja. 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.

The application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing.

Anthony Smith
Attorney-Advisor
Office PCT Legal Administration
Tel.: 571-272-3298

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Nettana Samroengraja
568 Broadway, Suite 901
New York, NY 10012

MAILED
JUL 12 2011
PCT LEGAL ADMINISTRATION

In re Application of:
KIM et al.
U.S. Application No. 12/309,261
PCT No.: PCT/US2007/016287
Int. Filing Date: 17 July 2007
Priority Date: 17 July 2006
Attorney Docket No.: 065353-5006-US
For: COMMUNICATION SYSTEM AND METHOD FOR NARROWCASTING

Dear Nettana Samroengraja:

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:
Sonnenschein Nath & Rosenthal LLP
P.O. Box 061080
Wacker Drive Station, Willis Tower
Chicago IL 60606-1080

UNITED STATES PATENT AND TRADEMARK OFFICE

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Isabella Chung
355 South End Avenue
Ap. 25B
New York, NY 10280

MAILED
JUL 12 2011

PCT LEGAL ADMINISTRATION

In re Application of:
KIM et al.
U.S. Application No. 12/309,261
PCT No.: PCT/US2007/016287
Int. Filing Date: 17 July 2007
Priority Date: 17 July 2006
Attorney Docket No.: 065353-5006-US
For: COMMUNICATION SYSTEM AND METHOD FOR NARROWCASTING

Dear Isabella Chung:

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:

SNR DENTON US LLP
P.O. BOX 061080
CHICAGO IL 60606-1080

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/309,276	07/06/2009	Ella Whitelaw	80100/JPW/JL	2014

23432 7590 03/26/2012
COOPER & DUNHAM, LLP
30 Rockefeller Plaza
20th Floor
NEW YORK, NY 10112

EXAMINER	
MCELWAIN, ELIZABETH F	
ART UNIT	PAPER NUMBER
1638	
MAIL DATE	DELIVERY MODE
03/26/2012	PAPER

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

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

United States Patent and Trademark Office

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MAR 2 6 2012

Gary J. Gershik
COOPER & DUNHAM, LLP
30 Rockefeller Plaza
20th Floor
NEW YORK NY 10112

In re Application of	:	
Whitelaw	:	
Serial No.: 12/309,276	:	Decision on Petition
Filed : 6 July 2009	:	
Attorney Docket No.: 80100/JPW/JL	:	

This letter is in response to the Petition under 37 C.F.R. 1.144 filed on 6 February 2012 requesting reconsideration of the lack of unity requirement mailed 1 July 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 1 July 2011, the examiner set forth a lack of unity requirement which divided claims 82-95 into seven groups.

On 1 September 2011, applicants cancelled Claims 82-95 and submitted new claims 96-101 and argued that the new claims have unity of invention.

On 4 November 2011, the examiner mailed a miscellaneous Office action with shortened statutory response time, indicating that applicants were still required to elect an invention.

On 5 December 2011, applicants elected Group I, with traverse.

On 12 January 2012, the examiner considered the traversal and made the requirement final with the following modification: Group II, the rice oil was rejoined with Group I, a method of producing rice oil. Claims 102 and 103 were withdrawn from consideration as being directed to

non-elected inventions of Group VI, the food comprising rice oil and Group VII the method of preparing the food comprising cooking an edible substance in rice oil, respectively. Claims 96-101 were examined on the merits. Claims 96-97 were rejected under 35 U.S.C. 112, 1st paragraph for lack of enablement over the biological deposit. Claims 98-101 were rejected under 35 ISC 103(a) as being unpatentable over Spinner in view of Taira.

On 6 February 2012, applicants filed this petition.

DISCUSSION

The file history and petition have been considered carefully.

The original Groupings are set forth below.

> Group I, claim(s) 82-83, drawn to a method of producing rice oil having at least 48% oleic acid, less than 17% palmitic acid and less than 30% linoleic acid.
>
> Group II, claim(s) 84-87, drawn to rice oil, rice bran or rice seed having at least 48% oleic acid, less than 17% palmitic acid and less than 30% linoleic acid.
>
> Group III, claim(s) 88, drawn to a rice plant which produces to rice oil, rice bran or rice seed having at least 48% oleic acid, less than 17% palmitic acid and less than 30% linoleic acid.
>
> Group IV, claim(s) 89-91, drawn to a method of producing brown rice seed with increased storage life.
>
> Group V, claim(s) 92-93, drawn to a method of genetically modifying rice plants and selecting rice with rice oil having at least 48% oleic acid, less than 17% palmitic acid and less than 30% linoleic acid.
>
> Group VI, claim(s) 94, drawn to food comprising rice oil, rice bran or rice seed having at least 48% oleic acid, less than 17% palmitic acid and less than 30% linoleic acid.
>
> Group VII, claim(s) 95, drawn to a method of preparing food comprising cooking in rice oil having at least 48% oleic acid, less than 17% palmitic acid and less than 30% linoleic acid.

On 1 September 2011, applicants cancelled claims 82-95 and submitted new claims which correspond to the original Groups, as follows:

> Group I, claims 96-97, drawn to a method of producing rice oil of Group II.
> Group II, claims 98-101, drawn to the rice oil.
> Group III, no claims pending
> Group IV, no claims pending
> Group V, no claims pending
> Group VI, Claim 102, drawn to a food product comprising rice oil of Group II.
> Group VII, Claim 103, drawn to a method of preparing food using rice oil of Group II.

In the first Office action on the merits, the examiner withdrew the restriction required between Group I and Group II. Group I, corresponding to Claims 96-97, and Group II, corresponding to

claims 98-101, were then examined together on the merits and found to be unpatentable under 35 U.S.C. 103(a) over Spinner taken with Taira.

Because no claims are pending for Groups III, IV and V, the petition decision will address the lack of unity set forth between rejoined and examined Groups (I, II) and remaining withdrawn Groups VI and VII.

A. The petition requests reconsideration of the unity of invention determination between the product (Group II) and the method of using the product (Group VII).

Claim 98 is representative of the product claims currently under examination.

> 98. (New) Rice oil having a fatty acid composition comprising greater than 60% w/w oleic acid, less than 15% w/w palmitic acid and less than 25% w/w linoleic acid.

Claim 103, corresponding to Group VII and directed to a method of using the product under examination, was withdrawn from examination.

> 103. (New) A method of preparing food, the method comprising cooking an edible substance in the rice oil of claim 98.

The petition argues that the product of Group II and process of using the product of Group II have unity of invention.

On 1 July 2011, the examiner had cited Taira reference to establish that unity of invention was lacking with the originally filed claims. On 1 September 2011, applicants filed an amendment to limit all claims such that they require a fatty acid composition comprising greater than 60% w/w oleic acid, less than 15% w/w palmitic acid and less than 25% w/w linoleic acid.

The petition asserts that unity is present because the Taira references does not meet the limitations of a fatty acid composition comprising greater than 60% w/w oleic acid, less than 15% w/w palmitic acid and less than 25% w/w linoleic acid.

Paragraph 20.09 of the International Search and Examination Guidelines requires that unity of invention be considered anew upon the filing of claim amendments.

> "... when the claims have been substantially limited, the examiner should bear in mind that the following questions may require special consideration at the amendment stage:
>
> (i) Unity of invention: Do the amended claims satisfy the requirement of Rule 13? When considering this matter, paragraphs of chapter 10 are applicable..."

In the Office action mailed 12 January 2012, consistent with Paragraph 20.09 of the ISPE Guidelines, the examiner considered the claims filed by amendment under 35 U.S.C. 102 and

103 and applied the prior art of Spinner taken with Taira to show that the shared technical feature does not make a contribution over the prior art.

PCT Rule 13.2 permits restriction between products and process of using the products if the prior art anticipates or renders obvious that shared technical feature. See Example 1 of the International Search and Examination (ISPE) Guidelines published in 2004.

> "Claim 1: A method of manufacturing chemical substance X.
> Claim 2: Substance X.
> Claim 3: The (method of) use of substance X as an insecticide.
>
> Unity exists between claims 1, 2 and 3. The special technical feature common to all the claims is substance X. However, if substance X is known in the art, unity would be lacking because there would not be a special technical feature common to all the claims."

For this reason, in view of the outstanding prior art rejection, the lack of unity determination between the product and the process inventions is warranted. Should the product claims become free of the prior art, the process claims should be considered anew for unity of invention.

B. The petition next addresses the lack of unity requirement made between the rice oil of claim 98 and a food product which comprises this rice oil. See Claim 102, corresponding to Group VI, which was withdrawn from examination.

> 102. (New) A food product comprising the rice oil of claim 98.

Claim 98 and Claim 102 are both in the same statutory category of invention (both products) and both require the rice oil of Claim 98. Claim 102 is a dependent claim which requires all the limitations of the independent claim (the rice oil) along with an additional component (a food product). The ISPE Guidelines provide several examples on point with these types of claims. While in Example 13 and 15, each claim is written in independent claim format, the outcome would be the same for claims drafted in dependent claim format. In either event, the ISPE Guidelines states that unity of invention exists between these types of product claims.

> "10.33 Example 13
>
> Claim 1: Filament A for a lamp.
>
> Claim 2: Lamp B having filament A.
>
> Claim 3: Searchlight provided with lamp B having filament A and a swivel arrangement C.
>
> Unity exists between claims 1, 2, and 3. The special technical feature common to all the claims is the filament A."
>
> "10.35 Example 15
>
> Claim 1: Compound A.

Claim 2: An insecticide composition comprising compound A and a carrier.

Unity exists between claims 1 and 2. The special technical feature common to all the claims is compound A."

Consistent with Examples 13 and 15 of the ISPE Guidelines, unity of invention is present between Claim 102 and Claim 98.

DECISION

For these reasons, the petition filed under 37 CFR 1.144 on 6 February 2012 is **GRANTED-IN-PART** as follows.

The lack of unity determination between the product of Group II and the process of Group VII (claim 103) is maintained, there being prior art of record teaching the product. Claim 103 remains withdrawn from consideration.

The restriction requirement between Groups I and II (Claims 96 to 101) had been withdrawn during the first Office action on the merits.

The lack of unity determination between rejoined Groups (I and II) and Group VI (claim 102) is withdrawn herein.

The Office action mailed 12 January 2012 is withdrawn as incomplete for not addressing Claim 102 on the merits.

The application will be forwarded to the examiner for preparation of an Office action consistent with this petition decision, which addresses Claims 96-102 on the merits. Should all claims to the product become free of the prior art, the unity of invention requirement should be reconsidered according to ISPE Guidelines Paragraph 20.09.

Any request for reconsideration of this decision must be filed under 37 CFR 1.181 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.

Wanda L. Walker

Wanda Walker
Director, Technology Center 1600

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MAR 29 2012

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 4/7/2011

TO SPE OF : ART UNIT 3724 Yu Mickey (Spe)

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/309247 Patent No.: 7824139

CofC mailroom date: 3/21/2011

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Certificates of Correction Branch
703-756-1571
Fax 571-270-9990

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: _____

M.Y. — SPE
3728 — Art Unit

PAGE 1/1 * RCVD AT 3/29/2012 7:27:26 AM [Eastern Daylight Time] * SVR:W-PTOFAX-001/11 * DNIS:2709990 * CSID:7033087763 * DURATION (mm-ss):00-54

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MAILED

NOV 01 2011

PCT LEGAL ADMINISTRATION

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO IL 60610

In re Application of:
UNGASHE, Solomon, et al.
U.S. Application No.: 12/309,314
PCT No.: PCT/US2007/015893
International Filing Date: 12 July 2007
Priority Date: 14 July 2006
Attorney's Docket No.: 10709-314
For: HETEROARYL SULFONAMIDES AND CCR2/CCR9

DECISION ON PETITION UNDER 37 CFR 1.181

This decision is issued in response to applicants' "37 C.F.R. § 1.181 Petition For Treatment Of Application As A National Stage Application Under 35 U.S.C. § 371" filed on 21 September 2011. No petition fee is required.

BACKGROUND

On 12 July 2007, applicants filed international application PCT/US2007/015893. The application claimed a priority date of 14 July 2006, and it designated the United States. The deadline for requesting entry into the national stage in the United States and payment of the basic national fee was thirty months from the priority date, i.e., 14 January 2009.

On 13 January 2009, applicants filed materials to initiate the present application. The submission included the following: Form PTO-1390 Transmittal Letter for entry into the national stage under 35 U.S.C. 371, description, claims, drawings, preliminary amendment, and fee payment (including payment of the basic national fee). The Form PTO-1390 Transmittal Letter identified the application as the U.S. national stage of PCT/US2007/015893.

As indicated in the subsequently mailed filing receipts, the application was treated by the USPTO as a filing under 35 U.S.C. 111(a), rather than a national stage filing under 35 U.S.C. 371.

On 15 July 2011, an Office Action containing a restriction requirement was issued.

On 21 September 2011, applicant filed the "37 C.F.R. § 1.181 Petition For Treatment Of Application As A National Stage Application Under 35 U.S.C. § 371" considered herein. The petition argues that the present application is properly treated as the U.S. national stage of PCT/US2007/015893 filed under 35 U.S.C. 371.

DISCUSSION

Any intended filing of an international application as a national stage application must clearly and unambiguously be identified as such and must satisfy all of the conditions set forth in 35 U.S.C. 371(c). See 37 CFR 1.495(g):

> The documents and fees submitted ... must be clearly identified as a submission to enter the national stage under 35 U.S.C. 371, otherwise the submission will be considered as being made under 35 U.S.C. 111.

In addition, section 1893.03(a) of the MPEP states the following:

> If there are any conflicting instructions as to whether the filing is under 35 U.S.C. 111(a) or 35 U.S.C. 371, the application will be accepted as filed under 35 U.S.C. 111(a).

The Form PTO-1390 Transmittal Letter filed by applicants to initiate the present application expressly identified the application as the U.S. national stage of PCT/US2007/015893 filed under 35 U.S.C. 371. The initial application submission did not include any conflicting instructions that are inconsistent with the intent to enter the national stage under 35 U.S.C. 371.[1] Accordingly, the present application is properly treated as a U.S. national stage filing under 35 U.S.C. 371, as requested by applicants in the present petition.

CONCLUSION

Applicants' petition to have the present application treated as the U.S. national stage of PCT/US2007/015893 filed under 35 U.S.C. 371 is **GRANTED**.

The filing receipts mailed herein, which did not identify the application as the U.S. national stage of PCT/US2007/015893, are appropriately **VACATED**.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accord with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 01 February 2011.

/RichardMRoss/

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

[1] The first line of the specification identifies the application as a continuation-in-part of U.S. application number 11/486,974, but this reference is consistent with the filing of a national stage application (U.S. application number 11/486,974 is the application to which priority is claimed in PCT/US2007/015893.

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	12309418
Filing Date	05-Oct-2009
First Named Inventor	Francis Kuhajda
Art Unit	1622
Examiner Name	TAYLOR OH
Attorney Docket Number	P71524US1/37049.00137
Title	NOVEL COMPOUNDS, PHARMACEUTICAL COMPOSITIONS CONTAINING SAME, AND METHODS OF USE FOR SAME

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 85938

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	FASgen, Inc.
Address	UMB Research Park, Building One 800 W. Baltimore St., Suite 150
City	Baltimore
State	MD
Postal Code	21201
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Gerard P. Norton/
Name	/Gerard P. Norton/
Registration Number	36621

UNITED STATES 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 9, 2012

In re Application of :

Francis Kuhajda

Application No : 12309418

Filed : 05-Oct-2009

Attorney Docket No : P71524US1/37049.00137

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed January 9, 2012

The request is **APPROVED.**

The request was signed by /Gerard P. Norton/ (registration no. 36621) on behalf of all attorneys/agents associated with Customer Number 85938 . All attorneys/agents associated with Cusotmer Number 85938 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	FASgen, Inc.
Name2	
Address 1	UMB Research Park, Building One
Address 2	800 W. Baltimore St., Suite 150
City	Baltimore
State	MD
Postal Code	21201
Country	US

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

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

Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : January 9, 2012

In re Application of :

Francis Kuhajda

Application No : 12309419

Filed : 17-Sep-2009

Attorney Docket No : P71496US1/37049.00135

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed January 9, 2012

The request is **APPROVED.**

The request was signed by Gerard P. Norton (registration no. 36621) on behalf of all attorneys/agents associated with Customer Number 85938 . All attorneys/agents associated with Cusotmer Number 85938 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	FASgen, Inc.
Name2	
Address 1	UMB Research Park, Building One,
Address 2	800 W. Baltimore St., Suite 150
City	Baltimore
State	MD
Postal Code	21201
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	12309419
Filing Date	17-Sep-2009
First Named Inventor	Francis Kuhajda
Art Unit	1625
Examiner Name	NILOOFAR RAHMANI
Attorney Docket Number	P71496US1/37049.00135
Title	NOVEL COMPOUNDS, PHARMACEUTICAL COMPOSITIONS CONTAINING SAME, AND METHODS OF USE FOR SAME

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 85938

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

10.40(b)(4)

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☒ 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	FASgen, Inc.
Address	UMB Research Park, Building One, 800 W. Baltimore St., Suite 150
City	Baltimore
State	MD
Postal Code	21201
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Gerard P. Norton/
Name	Gerard P. Norton
Registration Number	36621

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	12309422
Filing Date	19-Nov-2009
First Named Inventor	Francis Kuhajda
Art Unit	1629
Examiner Name	MEGHAN FINN
Attorney Docket Number	P71494US1/37049.00136
Title	METHOD OF REDUCING FOOD INTAKE

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 85938

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	FASgen, Inc.
Address	UMB Research Park, Building One 800 W. Baltimore St., Suite 150
City	Baltimore
State	MD
Postal Code	21201
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Gerard P. Norton/
Name	Gerard P. Norton
Registration Number	36621

UNITED STATES 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 9, 2012

In re Application of :

Francis Kuhajda

Application No : 12309422

Filed : 19-Nov-2009

Attorney Docket No : P71494US1/37049.00136

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed January 9, 2012

The request is **APPROVED.**

The request was signed by Gerard P. Norton (registration no. 36621) on behalf of all attorneys/agents associated with Customer Number 85938 . All attorneys/agents associated with Cusotmer Number 85938 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	FASgen, Inc.
Name2	
Address 1	UMB Research Park, Building One
Address 2	800 W. Baltimore St., Suite 150
City	Baltimore
State	MD
Postal Code	21201
Country	US

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

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

Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED
SEP 22 2010
OFFICE OF PETITIONS

Applicant: Alfred Held, et al.
Appl. No.: 12/309,465
International Filing Date: September 29, 2006
Title: A VEHICLE WITH A RUNNING BOARD
Attorney Docket No.: 04435.0004
Pub. No.: US 2009/0322051 A1
Pub. Date: December 31, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on February 26, 2010, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors on the front page of the publication wherein the inventor's residence "Oberschleissheim" was misprinted as "Oberschleisshiem".

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 spelling of the inventor's residence is contain a typographical error may be Office error, but is not a material Office error under 37 CFR 1.221. The typographical error of the inventor's residence 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.

[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).

On September 24, 2009, a Filing Receipt was mailed by the Office, which listed the inventor's residence as Oberschleisshiem. To avoid this type of problem in the future, applicant's representative should make request for a corrected filing receipt, prior to export of the application to the publisher.

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.
12/309,485	01/21/2009	Hiroyuki Tanaka	140143	7890

25944 7590 08/04/2011

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

EXAMINER	
VERLEY, NICOLE T	
ART UNIT	PAPER NUMBER
3616	

NOTIFICATION DATE	DELIVERY MODE
08/04/2011	ELECTRONIC

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

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

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

OfficeAction25944@oliff.com
jarmstrong@oliff.com

UNITED STATES PATENT AND TRADEMARK OFFICE

AUG 3 2011

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

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

In re application of	:	**DECISION ON REQUEST TO**
Tanaka et al	:	**PARTICIPATE IN PATENT**
Application No. 12/309,485	:	**PROSECUTION HIGHWAY**
Filed: January 21, 2009	:	**PROGRAM AND PETITION**
For: TORQUE CONTROL DEVICE FOR POWER SYSTEM	:	**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 June 02, 2011, to make the above-identified application special.

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

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

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

The request to participate in the PPH pilot is not grantable as per item (4) above in that Examination of the U.S. application has already begun. A Notice of Allowance was mailed on June 24, 2011.

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

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

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 08/02/11

UNITED STATES PATENT AND TRADEMARK 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.
12/309,505	10/09/2009	Ji Heon Ryu	LGCHEM3.3-059	8815

86765 7590 07/19/2011

LGCHEM
Lerner, David, Littenberg, Krumholz & Mentlik, LLP
600 South Avenue West
Westfield, NJ 07090

EXAMINER	
BARROW, AMANDA J	
ART UNIT	PAPER NUMBER
1729	

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):

eOfficeAction@ldlkm.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

JUL 19 2011

CST

In re application of	:	DECISION ON REQUEST TO
Ji Heon Ryu et al	:	PARTICIPATE IN PATENT
Serial No. 12/309,505	:	PROSECUTION HIGHWAY
Filed: October 9, 2009	:	PROGRAM AND
For: SAFETY SWITCH USING HEAT	:	PETITION TO MAKE SPECIAL
SHRINKAGE TUBE AND SECONDARY	:	UNDER 37 CFR 1.102(a)
BATTERY INCLUDING THE SAME	:	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program, filed June 16, 2011.

The request and petition are **GRANTED**.

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

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

(2) Applicant must submit a copy of:

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

(3) Applicant must:

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

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

(5) Applicant must submit:
a. Documentation of prior office action:
i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the KIPO application(s) containing the allowable/patentable claims(s) or
ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
iii. if the KIPO application is a first action allowance then no office action from the KIPO is necessary should be indicated on the request/petition form:
Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
b. An English language translation of the KIPO Office action from (5)(a)(i)-(ii) above if applicable; and
c. A statement that the English translation is accurate; and

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

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

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

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK 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.
12/309,506	06/24/2009	Ji Heon Ryu	LGCHEM 3.3-060	4766

86765 7590 03/29/2011

LGCHEM
Lerner, David, Littenberg, Krumholz & Mentlik, LLP
600 South Avenue West
Westfield, NJ 07090

EXAMINER	
BARROW, AMANDA J	

ART UNIT	PAPER NUMBER
1729	

NOTIFICATION DATE	DELIVERY MODE
03/29/2011	ELECTRONIC

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

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

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

eOfficeAction@ldlkm.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CST

March 28, 2011

In re application of	:	DECISION ON REQUEST TO
Ji Heon Ryu et al	:	PARTICIPATE IN PATENT
Serial No. 12/309,506	:	PROSECUTION HIGHWAY
Filed: June 24, 2009	:	PROGRAM AND
For: ELECTRODE ASSEMBLY HAVING STABLE LEAD-TAP JOINT AND ELECTROCHEMICAL CELL CONTAINING THEM	:	PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program, filed February 2, 2011.

The request and petition are **GRANTED**.

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

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

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

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

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

(5) Applicant must submit:
a. Documentation of prior office action:
i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the KIPO application(s) containing the allowable/patentable claims(s) or
ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
iii. if the KIPO application is a first action allowance then no office action from the KIPO is necessary should be indicated on the request/petition form:
Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
b. An English language translation of the KIPO Office action from (5)(a)(i)-(ii) above if applicable; and
c. A statement that the English translation is accurate; and

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

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

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

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK 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.
12/309,548	09/04/2009	Ji Heon Ryu	LGCHEM 3.3-063	1240

86765 7590 05/06/2011

LGCHEM
Lerner, David, Littenberg, Krumholz & Mentlik, LLP
600 South Avenue West
Westfield, NJ 07090

EXAMINER	
LEE, CYNTHIA K	

ART UNIT	PAPER NUMBER
1726	

NOTIFICATION DATE	DELIVERY MODE
05/06/2011	ELECTRONIC

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

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

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

eOfficeAction@ldlkm.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

CST

May 5, 2011

In re application of	:	DECISION ON REQUEST TO
Ji Heon Ryu et al	:	PARTICIPATE IN PATENT
Serial No. 12/309,548	:	PROSECUTION HIGHWAY
Filed: September 4, 2009	:	PROGRAM AND
For: ELECTRODE ASSEMBLY HAVING	:	PETITION TO MAKE SPECIAL
ELECTRODE TABS OF THE SAME	:	UNDER 37 CFR 1.102(a)
SIZE IN JOINT PORTION THEROF	:	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program, filed March 15, 2011.

The request and petition are **GRANTED**.

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

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

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

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

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

(5) Applicant must submit:

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

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

(6) Applicant must submit:

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

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

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

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

Doc Code: PPH.PCT.552
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:	12/309,553	Filing date:	January 22, 2009
First Named Inventor:	Hartmut SREUNG		
Title of the Invention:	Method for Supplying a Web of Material of Predetermined Length to a Printing Press for Producing a Pri		

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/EP2007/057654

The international date of the corresponding PCT application(s) is/are: July 25, 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 be filed by the USPTO to processed 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.:	12/309,553
First Named Inventor:	Hartmut BREUNIG

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

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on January 22, 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 22, 2009

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
37 - 84	1 - 18	direct correspondence

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

Signature: Douglas R. Hanscom	Date: October 12, 2010
Name (Print/Typed): Douglas R. Hanscom	Registration Number: 26600

KARIN T. DUNN

GERMAN TRANSLATION AND LANGUAGE SERVICES
Certified by the American Translators Association

4706 OLDE FORGE CT., FAIRFAX, VA 22032
TELEPHONE: 703-426-1422 · FAX: 703-426-2772 · DUNN6FAM@MSN.COM

Date: December 21, 2008

DECLARATION

The undersigned, Karin T. Dunn, hereby states that she is well acquainted with both the English and German languages and that the attached is a true translation to the best of her knowledge and ability of the German text of PCT/EP2007/057654, filed on 7/25/2007 and published on 1/31/2008 under No. WO 2008/012323 A1.

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

Karin T. Dunn

Translation of the pertinent portions of a **Notification of the Transmittal of the International Search Report and the Written Opinion of the International Search Authority or the Declaration (Rule 44.1 PCT)**, mailed on 11/07/2007

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. The report comprises a total of 5 pages. Copies of each prior art document cited in this report are also enclosed.

1. **Basis of the Report**
   With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed

4. With regard to the **Title of the Invention**:

   The text has been established as submitted by the applicant.

5. With regard to the **Abstract**:

   The text has been established by the Authority under Rule 38.2b) in the wording provided in Box No. IV.

6. With regard to the **Drawings**:

   a. Fig. 1 is to be published with the abstract, as selected by this Authority, because the applicant failed to suggest a figure.

Box IV Wording of the Abstract (continuation of Item 5 on page 1)

A method of supplying a web of material of predetermined length to a printing press used to produce a printed product is proposed, wherein the length of the web of material is determined based upon the printed product, wherein the web of material is comprised of a plurality of partial webs joined to one another in succession, at least some of which are of different lengths, wherein the partial webs are provided to the printing press automatically with the help of a material supply system, wherein the control unit of the material supply system determines the demand for partial webs, wherein the partial webs selected for the production run, which have different lengths, are supplied to the printing press in a certain sequence, such that, of the partial webs of different lengths, the partial web that is used last has a minimum length, wherein the minimum length of the last partial web is determined such that an end of the production run to be completed with this last partial web is reached only when a cycle period has elapsed, wherein the cycle period is a period of time during which a web of material or one of its partial webs is prepared for its respective introduction into the printing press.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (Rule 43*bis*.1 PCT)

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

Box I Basis of the opinion

Box V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Box I Basis of the Opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed

Box V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty	Yes: Claims 1-18 No: Claims
Inventive Step	Yes: Claims 1-18 No: Claims
Industrial Applicability	Yes: Claims 1-18 No: Claims:

2. Citations and Explanations
See attached sheet

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (SEPARATE SHEET)

Re Item V.

Reference is made to the following document:

D1: DE 102 45 658 A1 (KOENIG & BAUER AG [DE]) 15 April 2004 (04/15/2004)

Document D1 is considered the closest prior art. It discloses the following steps of the method of the invention, especially in sections [0059] and [0060]:

Method of supplying a web of material of a predetermined length (although this is not explicitly stated in D1, it can be assumed that the length of the web of material to be used is known) to a printing press which is used to produce a printed product, wherein the length of the web of material is determined based at least upon a print run of the printed product to be printed continuously, wherein the web of material is comprised of a plurality of partial webs joined to one another in series, at least some of which are different in length (it is known that large print orders are completed by imprinting a plurality of paper rolls in succession), wherein the partial webs are provided to the printing press automatically with the help of a material management system which has a control unit and manages a storehouse containing a plurality of partial webs (it is expressly stated in D1 in paragraph [0059] that the data on the individual rolls, especially their lengths, are stored in the material flow system), wherein the control unit of the material management system determines the demand for partial webs with respect to the length of the web of material based upon production data in a production planning system (this step, which ordinarily consists of a conversion of the planned number of pages into a roll length, is at least implicitly disclosed in D1) (cf., part of **claim 1**).

No other characterizing features listed in claim 1 are disclosed in D1. The object of claim 1 is therefore novel under Art. 33(2) PCT.

Object

The objective technical object, although not explicitly identified in the application (see, conversely, page 11, first full paragraph), can be viewed as enabling a consumption of residual reels that is largely waste-free, and ensuring an idle-free production at the same time. In particular, interruptions in production for the completion of preparation of a roll are to be avoided.

Solution

The object is attained with the technical characterizing features that are to be viewed as the characterizing portion of claim 1, i.e., the partial webs of different lengths, selected for production of the relevant print run from the storage facility controlled by the material management system, are supplied to the printing press by the control system of the material

management system in a specific order such that, of the partial webs of different lengths, the partial web that is used last has a minimum length, wherein the minimum length of the last partial web is determined based upon a transport speed of the web of material, such that the end of the production run to be completed with this last partial web is not reached until a cycle period has elapsed, wherein the cycle period is a period of time during which a web of material or one of its partial webs is prepared for its respective introduction into the printing press.

Inventive Step

With respect to the evaluation of residual rolls, the prior art states only that these can be returned to storage in the warehouse. From this it follows implicitly that they can be used again in another print order. Nowhere is it stated, however, that the length of such a residual roll and the resulting consequences for the printing process can be used by the material management or production planning system. On that basis, the object of the independent claim 1, and therefore also the object of the dependent claims 2-18, is based upon an inventive step under Art. 33(3) PCT.

Claims

1. Method of supplying a web of material of predetermined length to a printing press for producing a printed product, wherein the length of the web of material is determined at least based upon a print run of the printed product to be printed continuously, wherein the web of material is comprised of a plurality of partial webs joined in a line, in succession, at least some of which are different in length, wherein the partial webs are provided to the printing press automatically with the help of a material management system, which has a control unit and controls a storage facility with a plurality of partial webs, wherein the control unit of the material management system determines the demand for partial webs with respect to the length of the web of material, based upon production data in a production planning system, wherein the partial webs of different lengths, selected for producing the relevant print run from the storage facility controlled by the material management system, are fed to the printing press by the control system of the material management system in a certain sequence, so that, of the partial webs of different lengths, the partial web which is used last has a minimum length, wherein the minimum length of the last partial web is determined based upon a transport speed of the web of material such that the end of the production run to be completed with this last partial web is reached at the earliest when a cycle period has elapsed, wherein this cycle period is a period of time during which a web of material or one of its partial webs is prepared for its respective introduction into the printing press.

2. Method according to claim 1, characterized in that the partial webs are joined in the current production run.

3. Method according to claim 1, characterized in that during the cycle period, at least one partial web of a web of material belonging to a subsequent production run is prepared for use in the printing press.

4. Method according to claim 1, characterized in that each of the partial webs is unwound from a roll.

5. Method according to claim 1, characterized in that each of the partial webs is unwound in a roll changer allocated to the printing press.

6. Method according to claim 5, characterized in that in each case, two of the partial webs are lined up in the roll changer.

7. Method according to claim 1, characterized in that the partial webs are joined by splicing.

8. Method according to claim 1, characterized in that the length of the web of material is determined based upon a given configuration of the printing press, wherein the configuration takes into account the size of the circumference of the cylinders of the printing press that are involved in the printing process and the way in which these cylinders are loaded with print images, the different production types non-collect and collect production, and the number of pages of the printed product to be produced.

9. Method according to claim 1, characterized in that the control unit of the material management system determines the demand for partial webs with respect to the length of the web of material, taking into account wasted copies and/or a number of reserve copies.

10. Method according to claim 1, characterized in that the control unit of the material management system controls the provision of the partial webs required to execute a specific print order, allocating them to the proper printing press at the proper time.

11. Method according to claim 4, characterized in that in a specific production run, a roll that has not yet been used in production is used as the first partial web.

12. Method according to claim 4, characterized in that in a specific production run, a roll that has been partially consumed in a previous production run is used as the first partial web.

13. Method according to claim 4, characterized in that in a specific production run, a roll that has not yet been used in production is used as the last partial web.

14. Method according to claim 4, characterized in that in a specific production run, a roll that has been partially consumed in a previous production run is used as the last partial web.

15. Method according to claim 4, characterized in that at least one roll that has been partially consumed in a previous production run is used before the partial web that is used last in the same production run.

16. Method according to claim 4, characterized in that between the first and last partial webs used in the same production run, at least one roll that has been partially consumed in a previous production run is used.

17. Method according to claim 1, characterized in that each of the partial webs used before the partial web that is used last in the same production run is consumed fully in its respective usable length.

18. Method according to claim 2, characterized in that only a partial web whose usable length is fully consumed is joined with another partial web to be used in the same production run.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/309,553	01/22/2009	Hartmut Breunig	w1.2766 PCT-US	6290

23294 7590 11/18/2010
JONES, TULLAR & COOPER, P.C.
P.O. BOX 2266 EADS STATION
ARLINGTON, VA 22202

EXAMINER	
SUAREZ, ERNESTO A	

ART UNIT	PAPER NUMBER
3653	

MAIL DATE	DELIVERY MODE
11/18/2010	PAPER

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

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

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

In re application of
Breunig et al.
Application No. 12/309,553
Filed: January 22, 2009
For: METHOD FOR SUPPLYING A WEB OF MATERIAL OF PREDETERMINED LENGTH TO A PRINTING PRESS FOR PRODUCING A PRINTED PRODUCT

: **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 12, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the EPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted via EFS-Web as is required, and the preliminary amendment of October 12, 2010, the request to participate in the PPH program complies with the above requirement, the above-identified application has been accorded "special" status.

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

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

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

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

BM/BM: 11/17/10

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United States Patent and Trademark Office
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WENDEROTH, LIND & PONACK, L.L.P.
1030 15th Street, N.W.,
Suite 400 East
Washington DC 20005-1503

MAILED

OCT 18 2010

PCT LEGAL ADMINISTRATION

In re Application of: GAUTIER, Arnaud, et al.
Application No.: 12/309,554
PCT No.: PCT/EP2007/057597
International Filing Date: 24 July 2007
Priority Date: 25 July 2006
Attorney Docket No.: 2009_0077A
For: LABELLING OF FUSION PROTEINS WITH SYNTHETIC PROBES

DECISION ON PETITION
(37 CFR 1.181)

This decision is issued in response to the "Request For Withdrawal Of Notice Of Abandonment" filed 02 September 2010, treated herein as a petition under 37 CFR 1.181. No petition fee is required.

BACKGROUND

On 24 July 2007, applicants filed international application PCT/EP2007/057597. The international application claimed a priority date of 25 July 2006, and it designated the United States. On 31 January 2008, 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., 25 January 2009.

On 22 January 2009, 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.

On 10 September 2009, the United States Designated/Elected Office (DO/EO/US) issued a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497, the surcharge for filing the oath or declaration later than thirty months after the priority date, and additional sequence listing materials were required.

Applicants did not file a response to the Notification Of Missing Requirements during the extendable response period provided in the Notification Of Missing Requirements.

On 13 August 2010, the DO/EO/US mailed a "Notice of Abandonment" (Form PCT/DO/EO/909) indicating that the application was abandoned based on applicants' failure to file a timely response to the Notification Of Missing Requirements mailed 10 September 2009.

On 02 September 2010, applicants filed the "Request For Withdrawal Of Notice Of Abandonment" considered herein. The petition asserts that applicants did not receive the Notification Of Missing Requirements upon which the abandonment is based and that the holding of abandonment should therefore be withdrawn.

DISCUSSION

Section 711.03(c)(I)(A) of the MPEP sets forth the requirements for a grantable petition in the present circumstances:

> The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
>
> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.
>
> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

The present petition includes the required statements from the practitioner describing the docket system used and asserting that the Notification Of Missing Requirements was not received. However, the petition does not include the additional required statement from the practitioner 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," as required to confirm that the Notification was not received by applicants but inadvertently not docketed for response.

With respect to the docket records requirement, applicants have provided, among other materials, a copy of the docket record for the present application file and the general docket listing for all responses due in the USPTO on 10 November 2009, the date on which a response

to the Notification Of Missing Requirements was required. These materials, which contain no indication that the Notification Of Missing Requirements mailed herein was received by applicants, satisfy the docket record requirement of a grantable petition.

Based on the above, applicants have not satisfied all the requirements for a petition to confirm the failure to receive the Notification Of Missing Requirements mailed 10 September 2009. Accordingly, withdrawal of the holding of abandonment is not appropriate on the present record.

CONCLUSION

Applicants' petition under 37 CFR 1.181 is **DISMISSED** without prejudice. The application remains abandoned.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181" and must include the additional statement from the practitioner required to confirm that the Notification Of Missing Requirements mailed 10 September 2009 was not received, as discussed above and in the MPEP.

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.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0419

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PCT LEGAL ADMINISTRATION

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

In re Application of: GAUTIER, Arnaud, et al.
Application No.: 12/309,554
PCT No.: PCT/EP2007/057597
International Filing Date: 24 July 2007
Priority Date: 25 July 2006
Attorney Docket No.: 2009_0077A
For: LABELLING OF FUSION PROTEINS WITH SYNTHETIC PROBES

DECISION ON RENEWED PETITION
(37 CFR 1.181)

This decision is issued in response to the "Renewed Petition Under 37 CFR 1.181" filed 01 November 2010. No petition fee is required.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed on 18 October 2010. The decision dismissed without prejudice applicants' petition to withdraw the holding of abandonment, finding that applicants had not satisfied all the requirements of a grantable petition. Specifically, applicants had not provided all the statements required to demonstrate that the "Notification Of Missing Requirements" (Form PCT/DO/EO/905) mailed 10 September 2009 was not received by applicants.

On 01 November 2010, applicants filed the "Renewed Petition Under 37 CFR 1.181" considered herein.

DISCUSSION

The present renewed petition includes the final required statement from the practitioner, that is, a statement that "a search of the practitioner's records, including any file jacket or the equivalent, and the application contents, indicates that the Office Action was not received." This statement, in combination with the statements and docket records included with the original petition, provides an acceptable showing that the "Notification Of Missing Requirements" (Form PCT/DO/EO/905) mailed 10 September 2009 was not received by applicants.

In view of the above, the holding of abandonment herein, based as it was on applicants' failure to respond to the Notification of Missing Requirements that was not received, is appropriately withdrawn, as requested by applicants in the present petition.

CONCLUSION

Applicants' renewed petition under 37 CFR 1.181 for withdrawal of the holding of abandonment is **GRANTED.**

The Notification Of Abandonment (Form PCT/DO/909) mailed 13 August 2009, based as it was on applicants' failure to respond to the Notification Of Missing Requirements that applicants did not receive, is appropriately **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 mailing of a new "Notification Of Missing Requirements" (Form PCT/DO/EO/905) setting a new period for response.

/RichardMRoss/

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

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	12309581
Filing Date	22-Jan-2009
First Named Inventor	Chandra Singh
Art Unit	1615
Examiner Name	MELISSA MERCIER
Attorney Docket Number	TLI108
Title	Solid Nanoparticle Formulation of Water Insoluble Pharmaceutical Substances With Reduced Ostwald Ripening

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 46488

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	Chandra U. Singh
Address	100 N.E. Loop 410
City	San Antonio
State	TX
Postal Code	78216
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/John M. Hammond/
Name	John M. Hammond
Registration Number	52986

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

Decision Date : September 5,2011

In re Application of :

Chandra Singh

Application No : 12309581

Filed : 22-Jan-2009

Attorney Docket No : TLI108

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 September 5,2011

The request is **APPROVED.**

The request was signed by John M. Hammond (registration no. 52986) on behalf of all attorneys/agents associated with Customer Number 46488 . All attorneys/agents associated with Cusotmer Number 46488 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	Chandra U.
Name2	Singh
Address 1	100 N.E. Loop 410
Address 2	
City	San Antonio
State	TX
Postal Code	78216
Country	US

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

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

Office of Petitions

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

MAILED
NOV 29 2010
OFFICE OF PETITIONS

Applicants: Oliver Albohr, et al.
Appl. No.: 12/309,639
International Filing Date: July 26, 2007
Title: METHOD FOR ANALYSING TIRE VIBRATION CHARACTERISTICS AND AN APPARATUS FOR CARRYING OUT SAID METHOD
Attorney Docket: 09155.0002
Pub. No.: US 2009/0314075 A1
Pub. Date: December 4, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on February 22, 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 PCT international filing date should read "July 26, 2007", not "July 27, 2007", and that the seventh inventor "Hermann Winner" was omitted.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The request for corrected publication, received on February 22, 2010, was not timely filed under 37 CFR 1.221(b).

With respect to the error wherein the seventh inventor "Hermann Winner" is missing is not a material mistake because it does not affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application

[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).

publication or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

On September 16, 2009, a Filing Receipt was mail by the Office, which did not properly list the international filing date and omitted "Hermann Winner" as an inventor. **To avoid this type of problem in the future, applicant's representative should make a request for a Corrected Filing Receipt prior to export of the application to the publisher and publication of the application.**

The application has been forwarded to the **PCT Office** for review.

Due to the nature of the error in this publication, with respect to the international filing date, the Office will Sua Sponte publish a corrected patent application publication. The corrected patent application publication will be published in due courts, unless the application is allowed and 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

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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

In re Application of :
Arshad QUADRI : ON PETITION
Application No. 12/309,680 :
Filed: August 20, 2009 :
Atty. Docket No.: CRDQ.002AUS

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

The petition is **GRANTED.**

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed March 21, 2011 (outstanding Office action), which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. The application became abandoned June 22, 2011. A Notice of Abandonment was mailed October 5, 2011.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of a Response to the outstanding Office action mailed March 21, 2011, (2) a petition fee of $930, and (3) a statement of unintentional delay. The reply to the outstanding Office action is accepted as being unintentionally delayed.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $635 extension of time fee submitted with the petition on October 6, 2011 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be refunded to petitioner.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. If the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 CFR 1.137(b)(3) and

petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

Telephone 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 3738 for consideration of the filed Response.

/Ramesh Krishnamurthy/

for Anthony Knight
Director
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.
12/309,708	03/10/2010	Yun-Ho Lee	LGCHEM 3.3-036	4484

86765 7590 10/19/2011

LGCHEM
Lerner, David, Littenberg, Krumholz & Mentlik, LLP
600 South Avenue West
Westfield, NJ 07090

EXAMINER	
MOHADDES, LADAN	
ART UNIT	PAPER NUMBER
1726	

NOTIFICATION DATE	DELIVERY MODE
10/19/2011	ELECTRONIC

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

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

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

eOfficeAction@ldlkm.com

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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CST

October 18, 2011

In re application of	:	DECISION ON REQUEST TO
Yun-Ho Lee et al	:	PARTICIPATE IN PATENT
Serial No. 12/309,708	:	PROSECUTION HIGHWAY
Filed: March 10, 2010	:	PROGRAM AND
For: ANODE FOR IMPROVING STORAGE PERFORMANCE AT A HIGH TEMPERATURE	:	PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program, filed August 5, 2011.

The request and petition are **GRANTED**.

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

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

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

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

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

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

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

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

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

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

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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INSKEEP INTELLECTUAL PROPERTY GROUP, INC
2281 W. 190TH STREET
SUITE 200
TORRANCE CA 90504

MAILED
AUG 09 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	
SHOHAT	:	
Application No.: 12/309,769	:	DECISION
PCT No.: PCT/IL2007/000943	:	
International Filing Date: 29 July 2007	:	
Priority Date: 01 August 2006	:	
Attorney Docket No.: 21948-559	:	
For: SYSTEM AND METHOD FOR TELESURGERY	:	

This decision is in response to applicant's submission filed in the United States Patent and Trademark Office (USPTO) on 16 March 2011.

BACKGROUND

On 29 July 2007, applicant filed international application PCT/IL2007/000943 which designated the U.S. and claimed a priority date of 01 August 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 02 February 2009 (01 February 2009 being a Sunday).

On 29 January 2009, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 16 September 2009, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Insufficient Fees (Form PCT/DO/EO/923) indicating, *inter alia*, that additional fees of $335 were required. The Notification set a two-month extendable time period.

On 24 February 2011, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF ABANDONMENT indicating that the application was abandoned for failure to properly respond to the Notification mailed 16 September 2009 within the time period set therein.

On 16 March 2011, applicant filed the instant petition to revive under 37 CFR 1.137(b).

DISCUSSION

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 additional fees were paid on 16 March 2011.

As to item (2), the petition fee was paid on 16 March 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.

Declaration of the Inventors

The declaration of the inventors filed under PCT Rule 4.17(iv) on 29 July 2007 in the international application is sufficient.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

UNITED STATES PATENT AND TRADEMARK OFFICE

10 AUG 2010

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Washington, D.C. 20231
www.uspto.gov

RYAN KROMHOLZ & MANION, S.C.
POST OFFICE BOX 26618
MILWAUKEE WI 53226

In re Application of	:	
HUGHES, et al.	:	DECISION ON PETITION
Serial No.: 12/309,787	:	
PCT No.: PCT/EP2007/006706	:	UNDER 37 CFR 1.47(a)
Int. Filing Date: 27 July 2007	:	
Priority Date: 28 July 2006	:	
Atty Docket No.: 9404.20811-PCT US	:	
For: FAT CONTAINING COMPOSITION	:	

This decision is in response to applicant's renewed petition under 37 CFR 1.47(a) filed 22 July 2010 to accept the application without the signatures of joint inventor Adrian Hughes.

BACKGROUND

On 04 May 2010, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47. Applicant was afforded two months to file any request for reconsideration and advised that this period could be extended pursuant to 37 CFR 1.136(a).

On 22 July 2010, applicant filed the present renewed petition under 37 CFR 1.47(a) accompanied by a petition for a one-month extension of time. With payment of the one-month extension of time, applicant's present response is considered timely filed.

DISCUSSION

As detailed in the decision mailed 04 May 2010, a petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant previously satisfied items 1 and 4.

With the filing of the present renewed petition and accompanying exhibits applicant has satisfied the remaining two items and it is proper to grant applicant's renewed petition at this time.

CONCLUSION

For the reasons stated above, applicant's renewed petition under 37 CFR 1.47(a) is **GRANTED**.

The application has an international filing date of 27 July 2007 under 35 U.S.C. 363, and will be given a date of **16 March 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(b) will be published in the Official Gazette.

This application is being returned to the DO/EO/US for processing in accordance with this decision.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

10 AUG 2010

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P.O. Box 1450
Alexandria, VA 22313-1450
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Mr. Adrian Hughes
Noordland 46, NL-2548
WB Den Haag
NETHERLANDS

In re Application of
HUGHES, et al.
Serial No.: 12/309,787
PCT No.: PCT/EP2007/006706
Int. Filing Date: 27 July 2007
Priority Date: 28 July 2006
Atty Docket No.: 9404.20811-PCT US
For: FAT CONTAINING COMPOSITION

Dear Mr. Hughes:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(b) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor. As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. 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:

RYAN KROMHOLZ & MANION, S.C.
Post Office Box 26618
Milwaukee, WI 53226
United States of America

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MAR 28 2011

PCT LEGAL ADMINISTRATION

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

In re Application of	:	
SAWA	:	
Serial No.: 12/309,813	:	
PCT No.: PCT/JP07/64916	:	
Int. Filing Date: 30 July 2007	:	DECISION
Priority Date: 31 July 2006	:	
Atty. Docket No.: 2009_0135A	:	
For: AQUEOUS LIQUID PREPARATION CONTAINING AMIDE COMPOUND	:	

This is a decision on applicant's Request for Corrected Filing Receipt and Notice of Acceptance filed in the United States Patent and Trademark Office (USPTO) on 07 July 2009 in the above referenced application.

BACKGROUND

On 30 January 2009, prior to the thirty month deadline for filing a national stage application, applicant filed a transmittal letter with an express request to begin national examination procedures under 35 U.S.C. 371(f) along with the basic national filing fee and an unexecuted declaration.

On 18 June 2009, applicant filed a declaration, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date and executed by the inventors.

On 19 June 2009, a Notification of Acceptance was mailed to applicant erroneously indicating that applicant had fulfilled all the requirements of 35 U.S.C. 371 on 30 January 2009 and indicating a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 30 January 2009.

DISCUSSION

Applicant requests correction of the filing receipt mailed on 19 June 2009. A review of the application file reveals that as required by 35 U.S.C. 371(c)(4), a declaration, in compliance with 37 CFR 1.497(a) and (b) was submitted on 18 June 2009. The date of completion of all 35

U.S.C. 371 requirements includes fulfillment of subsection (b), which states that the national stage shall commence with the expiration of the time limit under PCT Article 22(a) or 39(1)(a) of the PCT Treaty. Here, the date of completion of all requirements of 35 U.S.C. 371 is 18 June 2009. The Notification of Acceptance (Form PCT/DO/EO/903) issued on 19 June 2009 which indicated this date as 30 January 2009 is incorrect; the date applicant fulfilled all the requirements of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) is 18 June 2009. Thus, the Notification of Acceptance mailed on 19 June 2009 is hereby **VACATED.**

CONCLUSION

Applicant's Request for Corrected Filing Receipt and Notice of Acceptance is **GRANTED**. The Notification of Acceptance mailed on 19 June 2009 is hereby **VACATED.**

A Notification of Acceptance mailed on 06 December 2010 indicating that applicant had fulfilled all the requirements of 35 U.S.C. 371 on 18 June 2009 and 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements on 18 June 2009 is correct and remains in effect. A Corrected Filing Receipt was also issued on 06 December 2010.

The application will be forwarded to Art Unit 1614 with examination in due course.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

Telephone: (571) 272-3286
Facsimile: (571)-273-0459

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20988
OGILVY RENAULT LLP
1, Place Ville Marie
Suite 2500
Montreal, Quebec H3B 1R1
Canada

MAILED

JAN 14 2011

PCT LEGAL ADMINISTRATION

In re Application of
SCHNEIDER *et al*
U.S. Application No.: 12/309,855
PCT No.: PCT/CA2007/001334
Int. Filing Date: 02 August 2007
Priority Date: 02 August 2006
Attorney Docket No.: JP/mp
For: MODULAR TRANSFER APPARATUS AND PROCESS

DECISION

This is a decision on the renewed petition under 37 CFR 1.47(a) filed on 23 November 2010.

BACKGROUND

On 23 April 2010, a decision dismissing applicants' petition under 37 CFR 1.47(a) was mailed. Applicants were given two months to respond with extensions of time available.

On 23 November 2010, applicants filed the subject response which was accompanied by a declaration executed by the nonsigning inventor and a five-month extension and a $1,175.00 extension fee.

DISCUSSION

In the renewed petition, applicants submitted a declaration executed by both inventors including the nonsigning inventor, Gilles PICARD. This declaration is in compliance with 37 CFR 1.497(a) & (b).

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

CONCLUSION

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

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 02 August 2007, under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 23 November 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

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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.
12/309,912	10/05/2009	Seung-Jin Yang	LGCHEM 3.3-067	8594

86765 7590 08/03/2011

LGCHEM
Lerner, David, Littenberg, Krumholz & Mentlik, LLP
600 South Avenue West
Westfield, NJ 07090

EXAMINER	
CANTELMO, GREGG	
ART UNIT	**PAPER NUMBER**
1726	

NOTIFICATION DATE	DELIVERY MODE
08/03/2011	ELECTRONIC

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

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

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

eOfficeAction@ldlkm.com

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CST

August 2, 2011

In re application of	:	DECISION ON REQUEST TO
Seung-Jin Yang et al	:	PARTICIPATE IN PATENT
Serial No. 12/309,912	:	PROSECUTION HIGHWAY
Filed: October 5, 2009	:	PROGRAM AND
For: POUCH-TYPE SECONDARY BATTERY HAVING A NON-SEALING RESIDUE PORTION	:	PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program, filed July 11, 2011.

The request and petition are **GRANTED**.

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

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

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

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

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

(5) Applicant must submit:

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

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

(6) Applicant must submit:

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

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

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

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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FEB 24 2011

PCT LEGAL ADMINISTRATION

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD NJ 07090

In re Application of:
MUELLER, Jan, et al.
U.S. Application No.: 12/309,944
PCT No.: PCT/EP2007/006859
International Filing Date: 02 August 2007
Priority Date: 02 August 2006
Attorney's Docket No.: AIRBUS 3.3-368
For: CONTROL DEVICE FOR SHIELDING A ROOM

DECISION
(37 CFR 1.181)

This decision is issued in response to the requests for a corrected filing receipt and for a corrected Notification Of Acceptance filed on 19 March 2010 (and resubmitted on 17 May 2010), treated herein as a petition under 37 CFR 1.181 to correct the 35 U.S.C. 371(c) date accorded to the present national stage application. No petition fee is required.

BACKGROUND

On 02 August 2007, applicants filed international application PCT/EP2007/006859. The international application claimed a priority date of 02 August 2006, and it designated the United States. On 07 February 2008, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submitting the basic national fee was thirty months from the priority date, i.e., 02 February 2009.

On 02 February 2009, applicants filed a Transmittal Letter requesting entry into the U.S. national stage accompanied by, among other materials, payment of the basic national fee and an application data sheet (ADS).

On 21 September 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date. However, the Notification was not directed to above-named counsel at the correspondence address of record. Rather, the Notification was forwarded to a different law firm unrelated to the present application.

On 29 September 2009, applicants filed correspondence informing the Office that the Notification Of Missing Requirements was mailed to the wrong address and requesting that a new Notification Of Missing Requirements be issued to the correct address.

On 17 November 2009, the DO/EO/US issued a "Notification Of Defective Response" (Form PCT/DO/EO/916) again requiring submission of the required surcharge. This Notification was directed to the correct correspondence address; however, it incorrectly indicated that an oath or declaration had been filed on 02 February 2009, and it did not refer to the correspondence filed by applicants on 29 September 2009.

On 18 November 2009, applicants filed an executed declaration and payment of the required surcharge.

On 26 January 2010, the 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 02 February 2009 and the "Date Of Completion Of All U.S.C. 371 Requirements" as 18 November 2009. Also on 26 January 2010, a filing receipt was issued that identified the 35 U.S.C. 371(c) date as 02 February 2009.

On 19 March 2010, applicants filed correspondence requesting that a corrected Notification Of Acceptance be issued that properly identified the "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) Requirements" as 18 November 2009, the date on which the executed declaration was filed. Also on 19 March 2010, applicants filed additional correspondence requesting that a corrected filing receipt be issued that identifies the 35 U.S.C. 371(c) date as 18 November 2009. Applicants 19 March 2010 correspondence is considered herein as a petition under 37 CFR 1.181 to correct the 35 U.S.C. 371(c) date for the present application.[1]

On 11 February 2011, a corrected "Notification Of Acceptance" (Form PCT/DO/EO/903) was issued that correctly identified the "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) Requirements" and the "Date Of Completion Of All U.S.C. 371 Requirements" (as well as the receipt date of the declaration) as 18 November 2009. Also on 11 February 2011, a corrected filing receipt was issued that identified the 35 U.S.C. 371(c) date as 18 November 2009.

DISCUSSION

A review of the application file confirms that the executed declaration that completed the requirements of 35 U.S.C. 371(c) was filed herein on 18 November 2009. The correct "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) Requirements" and "Date Of Completion Of All U.S.C. 371 Requirements" for the present application is therefore 18 November 2009, as asserted by applicants in the present petition.

Based on the above, the Notification Of Acceptance (Form PCT/DO/EO/903) mailed 26 January 2010, which incorrectly identified the "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) Requirements" as 02 February 2009, is appropriately vacated. In addition, the filing receipt, which incorrectly identified the 35 U.S.C. 371(c) date as 02 February 2009, is also appropriately vacated.

---

[1] Applicants submitted a second request for a corrected Notification of Acceptance and filing receipt on 17 May 2010, reiterating the arguments set forth in the 19 March 2010 correspondence.

In addition, the "Notification Of Missing Requirements" (Form PCT/DO/EO/905) mailed 21 September 2009, which was mailed to an incorrect address, and the "Notification Of Defective Response" (Form PCT/DO/EO/916) mailed 17 November 2009, which incorrectly indicated that a declaration had been filed on 02 February 2009 and did not address applicants' response to the previous Notification, are also appropriately vacated.

CONCLUSION

The petition under 37 CFR 1.181 to correct the 35 U.S.C. 371(c) date is **GRANTED**.

For the reasons discussed above, the "Notification Of Acceptance" (Form PCT/DO/EO/903) and filing receipt mailed 26 January 2010, the "Notification Of Missing Requirements" (Form PCT/DO/EO/905) mailed 21 September 2009 and the "Notification Of Defective Response" (Form PCT/DO/EO/916) mailed 17 November 2009 are hereby **VACATED.**

As requested by applicants in the present petition, a corrected "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 18 November 2009 and a corrected filing receipt identifying the 35 U.S.C. 371(c) date as 18 November 2009 were issued by the USPTO on 11 February 2011.

This application is being referred to Group Art Unit 2618 for examination.

/RichardMRoss/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/309,997	02/06/2009	Jürgen Schiffman	K0538.70000US00	1530

23628 7590 05/02/2011
WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

EXAMINER	
YAGER, JAMES C	

ART UNIT	PAPER NUMBER
1782	

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.

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May 2, 2011 WG

In re application of	:	DECISION ON REQUEST TO
Jürgen Schiffman	:	PARTICIPATE IN PATENT
Serial No. 12/309,997	:	PROSECUTION HIGHWAY
Filed: February 6, 2009	:	PROGRAM AND
For: MULTILAYER SHEET- OR TUBE-TYPE	:	PETITION TO MAKE SPECIAL
FOOD CASING OR FOOD FILM	:	UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed March 21, 2011.

The request and petition are **GRANTED**.

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

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

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

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

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

(5) Applicant must submit:

a. Documentation of prior office action:
a copy of the office action(s) from each of the DPMA application(s) containing the allowable/patentable claim(s);
b. An English language translation of the DPMA Office actions; and
c. A statement that the English translation is accurate; and

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

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

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

Any inquiry regarding this decision should be directed to Walter D. Griffin, Supervisory Patent Examiner, at (571) 272-1447.

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

/Walter D. Griffin/

Walter D. Griffin
Supervisory Patent Examiner
Technology Center 1700

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United States Patent and Trademark Office
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FEB 11 2011

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

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

In re Application of
LEE, YEON-KEUN, et al.
Application No. 12/310,014
Filed: February 6, 2009
Attorney Docket No.: **29137.403.00**

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed December 17, 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 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 claim(s) in the KIPO 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 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 request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

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

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

/Kenneth A. Wieder/

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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Jayantha Liyanage
14/7 Dharmapala Av
Kurunegala
SRI LANKA

MAILED

OCT 25 2010

PCT LEGAL ADMINISTRATION

In re Application of :
LIYANGE, Jayanage :
U.S. Application No.: 12/310,055 :
PCT No.: PCT/IB2006/002217 :
Int. Filing Date: 09 August 2006 :
Priority Date: 17 August 2006 :
Attorney Docket No.: None :
For: DUAL DRIVE ELECTRIC REGENERATOR :

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicant's renewed petition to revive under 37 CFR 1.137(b) filed on 23 August 2010 is hereby **GRANTED** as follows:

In response to the prior decision, applicants provided payment of the $165.00 Basic National Fee and $810.00 petition fee as required. This is an acceptable response. All requirements of 37 CFR 1.137(b) are now 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

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NOV 30 2010
OFFICE OF PETITIONS

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

Applicant: Cooper-White et al.
Appl. No.: 12/310,125
International Filing Date: August 10, 2007
Title: SCAFFOLD TREATMENT – DEVICE AND METHOD
Attorney Docket: F0611.70002US00
Pub. No.: US 2010/0015321 A1
Pub. Date: January 21, 2010

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

The request is DISMISSED.

Applicant requests that the application be republished because claim 1 contains an error wherein the words "and having" should be deleted.

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" 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 with respect the misprint in claim 1 may be an Office error, but it is not a material Office error under 37 CFR .1221(b). The published claim 1 mistakenly included the words "and having", which is clearly a typographical error, and does not affect the interpretation of the published claim. While the claim is clearly grammatically incorrect, one of ordinary skill in the art would clearly understand the nature of the typographical error and would not be misled as to the scope of the claim. This error therefore does not affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

[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.

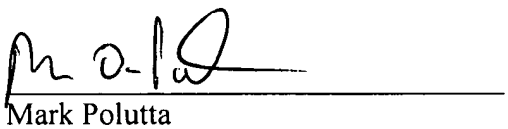
A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

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

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HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD, MA 01742-9133

MAILED

DEC 06 2010

OFFICE OF PETITIONS

In re Application of :
KOLB, Eric S. et al. :
Application No. 12/310,126 : DECISION ON PETITION
Filed: October 28, 2009 : TO WITHDRAW
Attorney Docket No. **87488(301691)** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 10, 2010.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Hamilton, Brook, Smith & Reynolds, P.C. has been revoked by the assignee of the patent application on November 11, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **EDWARDS ANGELL PALMER & DODGE LLP**
P.O. BOX 55874
BOSTON MA 02205

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	12310163
Filing Date	02-Mar-2009
First Named Inventor	Toshio Imai
Art Unit	3781
Examiner Name	CYNTHIA COLLADO
Attorney Docket Number	140569
Title	SYNTHETIC RESIN BOTTLE

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	/James A. Oliff/
Name	James A. Oliff
Registration Number	27075

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : August 8,2011

In re Application of :

Toshio Imai

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12310163

Filed : 02-Mar-2009

Attorney Docket No : 140569

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed August 8,2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

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

Petitioner is advised that the issue fee paid 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 3781 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

20 SEP 2010

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

In re Application of	:	DECISION
ANDARY et al.	:	
Application No.: 12/310,209	:	
PCT No.: PCT/EP2007/058580	:	
Int. Filing Date: 17 August 2007	:	
Priority Date: 18 August 2006	:	
Attorney Docket No.: 065691-0558	:	
For: ANTI-DIABETES COMPOSITION CONTAINING CHICORIC ACID AND/OR ONE OF THE METABOLITES THEREOF	:	

This decision is in response to applicants' petition under 37 CFR 1.48(a) filed 05 August 2009, which has properly been treated as a petition under 37 CFR 1.497(d). The response also includes a includes a statement that a Sequence Listing is not required in the instant application.

BACKGROUND

On 17 August 2007, applicants filed international application PCT/EP2007/058580 which designated the U.S. and claimed a priority date of 18 August 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 28 February 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 18 February 2009.

On 17 February 2009, 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.

On 17 June 2009, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) and that a Sequence Listing in compliance with 37 CFR 1.821 were required.

On 05 August 2009, applicants submitted a declaration of inventors and the instant

petition under 37 CFR 1.497(d) requesting that two inventors be added. The petition was accompanied by statements from Jacqueline AZAY-MILHAU and Anne-Dominique LAJOIX.

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) and (2) have been satisfied. Items (3) and (4) are not required.

The declaration of inventors filed 05 August 2009 is in compliance with 37 CFR 1.497(a)-(b).

Sequence Listing

The submission filed 05 August 2009 states that the application does not contain sequences and thus 37 CFR 1.821 is not applicable. From a review of the specification, it is apparent that no sequence listing is required. Accordingly, the portion of the NOTIFICATION OF MISSING REQUIREMENTS mailed 17 June 2009 requiring a Sequence Listing is hereby VACATED.

CONCLUSION

The request under 37 CFR 1.497(d) is **GRANTED** for the reasons set forth above.

For the reasons set forth above, the portion of the NOTIFICATION OF MISSING REQUIREMENTS mailed 17 June 2009 requiring a Sequence Listing is VACATED.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application in accordance with this decision including processing the application in the names of Claude ANDARY, Gerard RIBES, Didier TOUSCH, Jacqueline AZAY-MILHAU, and Anne-Dominique LAJOIX as inventors.

/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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APR 08 2011

PCT LEGAL ADMINISTRATION

Yuly Zagyansky
Entraide 22 rue Sainte Marthe
Paris 75010 FRANCE

In re Application of:
Yuly Zagyansky
U.S. Application No.: 12/310,212 (& 12/312,169)
PCT No.: PCT/IB2006/002558
International Filing Date: 18 September 2006
Priority Date: Withdrawn
Attorney's Docket No.: None
For: END OF EINSTEIN-BOHR AND MECHANISMS OF NUCLEAR FORCES FACILITATED FUSION AND FISSION

DECISION VACATING NOTIFICATION OF ABANDONMENT UNDER 37 CFR 1.181

These applications are before the Office of PCT Legal Administration for issues arising under 35 U.S.C. 371 and 37 CFR 1.495.

BACKGROUND

On 18 September 2006, applicant filed international application PCT/IB2006/002558. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 11 January 2007. Pursuant to 37 CFR 1.495, the period for paying the basic national fee in the United States expired 30 months from the international filing date, 18 March 2009.

On 17 February 2009, applicant filed a transmittal letter seeking entry into the U.S. national stage for international application PCT/IB2006/002558 accompanied by, among other materials, payment of the basic national fee and an executed declaration of inventorship. This submission was assigned U.S. application number 12/310,212 and entered into the USPTO's PALM system as the national stage of PCT/IB2006/002558.

On 02 April 2009, applicant filed a (second) transmittal letter seeking entry into the U.S. national stage for international application PCT/IB2006/002558 accompanied by, among other materials, an executed declaration of inventorship. This submission was assigned U.S. application number 12/312,169 and entered into the USPTO's PALM system as the national stage of PCT/IB2006/002558.

On 22 July 2010, (in application number 12/312,169), the United States Elected Office mailed a NOTIFICATION OF ABANDONMENT UNDER 37 CFR 1.495 (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to provide the full U.S. Basic National Fee by 30 months (37 CFR 1.495(b)(2) and a copy of the international application by 30 months (37 CFR 1.495(b)(2).

On 15 November 2010, (in application number 12/310,212) applicant was mailed a "Notification of Insufficient Fees" (Form PCT/DO/EO/923) informing applicant that additional fees ($215 for the application search fee and $110 for the application examination fee) were required. Applicant was afforded two months to file the required response and advised that this period could be extended pursuant to 37 CFR 1.136(a).

DISCUSSION

Applicant is advised that there can only be one U.S. national stage application for a given PCT international application. Thus, the filing of two national stage applications is improper. A review of the fee payment in application 12/310,212 finds that it was provided prior to the expiration of thirty months from the international filing date. (Additionally, the fees ($315) submitted on 02 April 2009 have been forwarded to application 12/310,212.) As such, the papers filed 02 April 2009 and assigned serial number 12/312,169 will be moved to application 12/310,212. Application 12/310,212 will continue to be the U.S. National stage entry of international application PCT/IB2006/002558.

CONCLUSION

The Notice of Abandonment (Form PCT/DO/EO/909) mailed 22 July 2010 and "Notification of Insufficient Fees" (Form PCT/DO/EO/923) mailed 15 November 2010 were mailed in error and are hereby **VACATED**.

U.S. Application number 12/310,212 will be processed as the U.S. national stage of PCT/IB2006/002558. All further correspondence with respect to this national stage application should reference U.S. application number 12/310,212.

The application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision, that is, for: issuing an Official Filing Receipt and Notification of Acceptance (Form/DO/EO/903) and identifying this application as the National Stage of International Application PCT/IB2006/002558.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Applicant: kOLKMAN, et al.
Appl. No.: 12/310,223
International Filing Date: August 17, 2007
Title: AMINO ACID SEQUENCES DIRECTED AGAINST IL-6R AND POLYPEPTIDES COMPRISING THE SAME FOR THE TREATMENT OF DISEASES AND DISORDERS ASSOCIATED WITH IL-6-MEDIATED SIGNALLING
Attorney Docket No.: A0848.70048US01
Pub. No.: US 2010/0215664 A1
Pub. Date: August 26, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on October 26, 2010, for the above-identified application.

Applicant requests that the application be republished because the patent application publication contains an error in dependent claims 15 and 17, wherein the phrase "any of the preceding claims" was not deleted.

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 does not identify a material mistake in the publication made by the Office under 37 CFR 1.221(b). The error in dependent claims 15 and 17, wherein the phrase "any of the preceding claims" was not deleted is clearly a typographical error. Thus, one of ordinary skill in the art would clearly understand the nature of the typographical error and would not be misled as to the scope of the claims. This error therefore does not affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

[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" 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.

M D-la

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

Richard Rowley
525 Washington Blvd
Suite 1400
Jersey City NJ 07310

MAILED

APR 13 2012

PCT LEGAL ADMINISTRATION

In re Application of :
ABDULHAYOGLU, Melih :
Application No.: 12/310,250 (12/672,550) :
PCT No.: PCT/US2007/084078 :
Int. Filing Date: 08 November 2007 :
Priority Date: None : DECISION
Att. Docket No.: CO.16 :
For: METHOD AND SYSTEM FOR :
PROTECTING A COMPUTER :
AGAINST MALICIOUS :
SOFTWARE :

This application is before the Office of PCT Legal Administration for matters arising under 35 USC 371.

BACKGROUND

On 11 February 2009, applicant filed paperwork for the national phase entry of PCT/US07/84078, by facsimile, accompanied by, *inter alia*, a credit card authorization to pay the basic national fee. It was initialized as the national phase entry of PCT/US2007/084078. It was assigned application no. 12/310,250.

On 08 February 2010, applicant filed a set of paperwork for the national phase entry of PCT/US07/84078. It was assigned application no. 12/672,550.

On 30 August 2010, the Office mailed Notice of Acceptance (Form PCT/DO/EO/903) in 12/672,550, indicating that the requirements under 35 USC 371(c)(1), (c)(2) and (c)(4) and for all of 35 USC 371 were satisfied on 08 February 2010.

On 06 July 2011, the Office mailed a Notification of Insufficient Fees (Form PCT/DO/EO/923) indicating, *inter alia*, that additional fees were required and a filing receipt. The Notification set a two month period for reply from the Notice or 32 months from the priority date, whichever was later.

On 21 February 2012, the Office mailed Notification of Abandonment (Form PCT/DO/EO/909) in 12/310,250.

DISCUSSION

Applicant has submitted multiple sets of papers for the national stage entry of international application number PCT/US2007/084078. The end result for an international application designating the United States of America is a single U.S. national stage application. Although the PALM database did not recognize "PCT/US2007/084078," and "PCT/US07/84078," as equivalent application numbers, they do identify the same application. Therefore, the submission of multiple sets of national stage papers to enter the United States is improper. Accordingly, 12/310,250 and 12/672,550 are being consolidated into a single application, 12/310,250.

All future correspondence in regards to the national phase of PCT/US2007/084078 should use 12/310,250.

CONCLUSION

For the reasons discussed above, all future correspondence in regards to the national phase of PCT/US2007/084078 should use 12/310,250.

The Notice of Acceptance (Form PCT/DO/EO/903) and filing receipt mailed 30 August 2010 in 12/672,550 are **VACATED**.

The Notification of Insufficient Fees (Form PCT/DO/EO/923) and filing receipt mailed 06 July 2011 in 12/310,250 are **VACATED**.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 21 February 2012 in 12/310,250 is **VACATED**.

This application is being referred 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

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

Richard Rowley
525 Washington Blvd
Suite 1400
Jersey City, NJ 07310

MAILED

FEB 17 2011

PCT LEGAL ADMINISTRATION

In re Application of :
ABDULHAYOGLU, Melih :
Application No.: 12/310,252 : DECISION ON PETITION
PCT No.: PCT/US2008/059525 : &
Int. Filing Date: 07 April 2008 : NOTIFICATION OF
Priority Date: None : ABANDONMENT
Attorney Docket No.: CO.15 :
For: METHOD AND SYSTEM FOR DISPLAYING VERIFICATION INFORMATION INDICATORS ON A NON-SECURE WEBSITE

This application is before the Office of PCT Legal Administration for issues arising under 35 U.S.C. 371. Additionally, this decision is issued in response to counsel "Request for Withdrawal as Attorney or Agent and Change of Correspondence Address" filed 09 November 2010.

BACKGROUND

On 07 April 2008, applicant filed international application PCT/US2008/059525. The deadline for submission of the basic national fee was thirty months from the international filing date, i.e., 07 October 2010.

On 11 February 2009, applicant filed via facsimile a transmittal letter for entry into the national stage in the United States under 35 U.S.C. 371, which was accompanied by, inter alia: an executed declaration (PTO/SB/810A); a Power of Attorney (PTO/SB81); and a Credit Card Payment Form (PCT-2038).

On 16 July 2010, applicant was mailed a "Notification of Insufficient Fees" (Form PCT/DO/EO/923) informing applicant that additional fees were required. Applicant was afforded two months to file the required response and advised that this period could be extended pursuant to 37 CFR 1.136(a).

On 09 November 2010, applicant filed a "Request for Withdrawal as Attorney or Agent and Change of Correspondence Address."

DISCUSSION

Filing under 35 U.S.C. 371

Applicant has submitted via facsimile a transmittal letter for entry into the national stage in the United States under 35 U.S.C. 371.

37 CFR 1.6 (d) states, in part:

> Facsimile transmissions are not permitted and, if submitted, will not be accorded a date of receipt in the following situations:
>
> (3) Correspondence which cannot receive the benefit of the certificate of mailing or transmission as specified in §§ 1.8(a)(2)(i)(A) through (D) and (F);

37 CFR 1.8(a)(2)(i)(A) states:

> The filing of a national patent application specification and drawings or other correspondence for the purpose of obtaining an application filing date.

Thus, the facsimile transmission received in the United States Designated/Elected Office (DO/EO/US) on 11 February 2009 cannot be utilized for the purpose of establishing a filing date for a national stage application. Therefore, the above-identified application was **ABANDONED** for failure to pay the basic national fee 30 month from the international filing date for international application PCT/US2008/059525.

Recommendation

Applicant may wish to consider filing a petition to the Commissioner under 37 CFR 1.137(b) requesting that the application be revived. Any petition filed under 37 CFR 1.137(b) requesting that the application be revived must meet the criteria indicated in the recent revision of 37 CFR 1.137. This recommendation to file a petition under 37 CFR 1.137 (b) should not be construed as an indication as to whether or not any such petition will be favorably considered.

Request for Withdrawal as Attorney or Agent

Additionally, this decision is issued in response to practitioner's request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed 09 November 2010.

The request is **NOT APPROVED**.

The Request for Withdrawal as Attorney or Agent and Change of Correspondence Address submitted on 09 November 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, practitioner has failed to make the necessary certifications under 37 CFR 10.40(a). (Practitioner failed to check boxes (2) and (3) on Form PTO/SB/83.)

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

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
Fax: (571) 273-0459

cc: Melih Abdulhayoglu (Patents)
525 Washington Blvd., Suite 1400
Jersey City, NJ 07310

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Richard Rowley
525 Washington Blvd
Suite 1400
Jersey City, NJ 07310

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JUL 11 2011

PCT LEGAL ADMINISTRATION

In re Application of :
ABDULHAYOGLU, Melih :
Application No.: 12/310,252 : DECISION ON PETITION
PCT No.: PCT/US2008/059525 :
Int. Filing Date: 07 April 2008 :
Priority Date: None :
Attorney Docket No.: CO.15 :
For: METHOD AND SYSTEM FOR DISPLAYING VERIFICATION INFORMATION INDICATORS ON A NON-SECURE WEBSITE

The petition to revive under 37 CFR 1.137(b) filed 20 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 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 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
Fax: (571) 273-0459

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

PTO/SB/20PCT-US (09-10)
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 IN A U.S. APPLICATION WHERE THE USPTO WAS THE ISA OR IPEA

Application No:	12/310,263	Filing date:	Feb. 18, 2009
First Named Inventor:	Schmidt, William		
Title of the Invention:	IN-LINE INSPECTION SYSTEM FOR VERTICALLY PROFILING PLASTIC CONTAINERS USING MULTIPLE WAVELENGTH DISCRETE SPECTRAL LIGHT SOURCES		

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.

PCT/US2007/019230

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

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

August 31, 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-US (09-10)
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 IN A U.S. APPLICATION WHERE THE USPTO WAS THE ISA OR IPEA (continued)

Application No.:	12/310,263
First Named Inventor:	Schmidt, William

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 Feb. 18, 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 Feb. 18, 2009

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-31	1-31	The claims are identical but for minor differences to correct clerical errors.

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

Signature /Mark G. Knedeisen/	Date Oct. 21, 2010
Name (Print/Typed) Mark G. Knedeisen	Registration Number 42,747

UNITED STATES PATENT AND TRADEMARK 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.
12/310,263	02/18/2009	William E. Schmidt	060659PCTUS	5587

26285 7590 11/16/2010

K&L GATES LLP
210 SIXTH AVENUE
PITTSBURGH, PA 15222-2613

EXAMINER	
GEISEL, KARA E	

ART UNIT	PAPER NUMBER
2877	

MAIL DATE	DELIVERY MODE
11/16/2010	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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K&L GATES LLP
210 SIXTH AVENUE
PITTSBURGH PA 15222-2613

In re Application of
SCHMIDT et al.
Application No.: 12/310,263
Filed: 18 February 2009
Attorney Docket No.: 060659PCTUS
For: IN-LINE INSPECTION SYSTEM FOR VERTICALLY PROFILING PLASTIC CONTAINERS USING MULTIPLE WAVELENGTH DISCRETE SPECTRAL LIGHT SOURCES

: 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 21 October 2010, 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, 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.

Conditions (1-3) and (5-6) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet conditions (4) and (7).

Regarding the requirement of condition (4), applicant failed to ensure that all the claims in the U.S. application sufficiently correspond to the claims that have novelty, inventive step, and industrial applicability in the PCT application. For example, claim 16 of the US application requires "inspecting the plastic containers after they are formed" while claim 16 of the PCT application requires "inspecting the plastic containers as they are formed." These limitations do not sufficiently correspond.

Regarding the requirement of condition (7), US 2005/0127572 A1 was cited on the ISA/210 but applicant failed to cite this document on an IDS.

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

Response must be filed via the Electronic Filing System (EFS) with the Document Code PPH.PCT.652. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

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

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

Lee W. Young
TQAS Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Schmidt et al.	)	**Examiner:** Geisel, Kara E.
		)	
Serial No.:	12/310,263	)	**Art Unit**: 2877
		)	
Filing Date:	February 18, 2009	)	**Atty. Docket No.** 060659PCTUS
		)	
Confirmation No.:	5587	)	

Title: IN-LINE INSPECTION SYSTEM FOR VERTICALLY PROFILING PLASTIC CONTAINERS USING MULTIPLE WAVELENGTH DISCRETE SPECTRAL LIGHT SOURCES

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

K&L Gates LLP
Pittsburgh, PA 15222
December 3, 2010

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

Attn: Lee W. Young

Dear Sir:

This is a reply to the "Decision On Request To Participate In The Patent Prosecution Highway Pilot Program and Petition To Make Special Under 37 CFR 1.102(d)," mailed November 16, 2010 for the above-referenced application ("the Subject Application"). In response, applicants submit:

1. On October 21, 2010, applicant filed a Petition to Participate in the PCT Patent Prosecution Highway Pilot Program ("the Petition").

2. On November 16, 2010, the Office dismissed the Petition because two conditions were not met: (1) claim 16 of the U.S. application did not sufficiently correspond to a claim of

the corresponding PCT application; and (2) a prior art reference cited on the ISA/210 for the PCT application was not cited in an IDS to the Office. The decision provided applicants with one month to correct the deficiencies.

3. To rectify the deficiencies, applicants:

   a. filed an IDS on November 23, 2010 that listed the omitted prior art reference from the ISA/210 for the PCT application (Pub. No. 2005/0127572 A1). A copy of the IDS is provided hereto as Exhibit 1; and

   b. filed an amendment to amend claim 16 of the U.S. application so that it corresponds to claim 16 of the PCT application. A copy of the amendment is provided hereto as Exhibit 2.

4. Accordingly, applicants submit that the request to participate in the PCT-PPH pilot program is acceptable, and should be granted, because all of the requirements to participate in the PCT-PPH pilot program are now met for the Subject Application.

5. Applicants submit that no fee is necessary for this filing. Nevertheless, the Office is authorized to charge the fee required under 37 C.F.R. § 1.17(g) for this petition and any additionally required fee amounts necessary for consideration of this petition to Account No. 11-1110.

6. A representative of the Office is invited to contact the undersigned with any questions regarding the Petition and this reply.

Respectfully submitted,

Date: December 3, 2010

Mark G. Knedeisen
Reg. No. 42,747

K&L GATES LLP
K&L Gates Center
210 Sixth Avenue
Pittsburgh, Pennsylvania 15222-2613

Phone (412) 355-6342
Fax (412) 355-6501
Email: mark.knedeisen@klgates.com

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/310,263	02/18/2009	William E. Schmidt	060659PCTUS	5587

26285 7590 12/08/2010

K&L GATES LLP
210 SIXTH AVENUE
PITTSBURGH, PA 15222-2613

EXAMINER	
GEISEL, KARA E	
ART UNIT	**PAPER NUMBER**
2877	
MAIL DATE	**DELIVERY MODE**
12/08/2010	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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K&L GATES LLP
210 SIXTH AVENUE
PITTSBURGH PA 15222-2613

In re Application of
SCHMIDT et al.
Application No.: 12/310,263
Filed: 18 February 2009
Attorney Docket No.: 060659PCTUS
For: IN-LINE INSPECTION SYSTEM FOR VERTICALLY PROFILING PLASTIC CONTAINERS USING MULTIPLE WAVELENGTH DISCRETE SPECTRAL LIGHT SOURCES

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

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed 21 October 2010 and renewed on 03 December 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

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

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

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

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

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

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

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MARTIN D. MOYNIHAN d/b/a PRTSI, INC.
P.O. BOX 16446
ARLINGTON VA 22215

MAILED
FEB 07 2012
OFFICE OF PETITIONS

In re Application of :
Carmeli al. :
Application No. 12/310,283 : ON PETITION
Filed: 09/15/2010 :
Attorney Docket Number: 45555 :

This is in response to the PETITION TO ACCEPT COLOR DRAWINGS/PHOTOGRAPHS, filed in the United States Patent and Trademark Office (USPTO) on September 15, 2010 (receipt date February 19, 2009), which is treated as a petition under 37 CFR 1.84(a)(2).

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled, "Renewed Petition under 37 CFR 1.84(a)(2)". No further petition fee is required for a renewed petition.

37 CFR 1.84(a)(2) states that the Office will accept color drawings only after granting a petition explaining why color drawings are necessary. The petition must include:

(i) The fee set forth in 1.17(h);

(ii) Three (3) sets of color drawings;[1]

(iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:

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

The petition does not comply with 37 CFR 1.84(a)(2)(iii) in that the present petition does not include an amendment to the specification contained on a separate paper (See 37 CFR 1.121(h),

[1] The requirement for three (3) sets of color drawings is not applicable to color drawings submitted via EFS-Web. Therefore, only one set of color drawings is necessary when filing via EFS-Web. See MPEP 502.05(VIII)(C).

nor is the amendment in compliance with 37 CFR 1.121(b). Rather, the amendment is physically part of the petition and is therefore unacceptable.

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

Petitioner states that the necessity for the Color Drawings is to distinguish the different lines and materials.

The Office has determined, however, that color drawings or photographs are not the only practical medium by which to disclose in a printed utility patent the subject matter to be patented. MPEP 608.02, Section IX, DRAWINGS SYMBOLS provide graphic symbols that should be used to indicate various materials where the material is an important feature of the invention.

As color drawings or photographs are not necessary for an understanding of the invention, the petition is dismissed.

The petition fee required by § 1.17(h) has been charged to counsel's deposit account.

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

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

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

A reply may also be filed via EFS-Web.

The application is being forwarded to Group Art Unit 2815.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3231.

/D Wood/
Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DEC 08 2010

PCT LEGAL ADMINISTRATION

NOVARTIS VACCINES AND DIAGNOSTICS INC.
INTELLECTUAL PROPERTY- X100B
P.O. BOX 8097
Emeryville CA 94662-8097

In re Application of :
CHOO et al. :
Application No.: 12/310,309 : DECISION
PCT No.: PCT/US2007/018591 :
Int. Filing Date: 22 August 2007 :
Priority Date: 22 August 2006 :
Attorney Docket No.: 52079-US-PCT (2300-28271) :
For: TISSUE CULTURE SYSTEM FOR :
PRODUCTION OF HEPATITIS C VIRUS :

The Filing Receipt and the NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495 (Form PCT/DO/EO/903) according the application 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) and 35 U.S.C. 371 dates of 25 January 2010, both mailed 28 May 2010, are **VACATED**. The declaration requirement of 35 U.S.C. 371(c)(4) has not yet been met.

This is a decision on applicants' renewed petition under 37 CFR 1.47(a) filed 04 October 2010 in the United States Patent and Trademark Office (USPTO). The petition is **DISMISSED** without prejudice.

BACKGROUND

On 22 August 2007, applicants filed international application PCT/US2007/018591, which designated the United States and claimed a priority date of 22 August 2006. A copy of the international application was communicated from the International Bureau to the USPTO on 28 February 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 23 February 2009 (22 February 2009 being a Sunday).

On 19 February 2009, 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.

On 23 June 2009, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form

PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 14 August 2008, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a five-month extension of time and a declaration of facts by Kara Shure with documents in support thereof.

On 11 March 2010, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.47(a).

On 04 October 2010, applicants filed the instant renewed petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a five-month extension of time, several declarations of inventors, and a supplemental declaration of facts by Kara Shure with documents in support thereof.

DISCUSSION

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 noted in the decision mailed 11 March 2010, items (1) and (3) have been met.

Item (2) has now been met as well. It has been established that non-signing inventor Hyun Chul SONG cannot be reached after diligent effort.

Item (4) still has not been met. The declaration of inventors signed by Michael HOUGHTON is not sufficient because it contains non-initialed alterations. 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, 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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MAILED

MAR 14 2011

PCT LEGAL ADMINISTRATION

NOVARTIS VACCINES AND DIAGNOSTICS INC.
INTELLECTUAL PROPERTY- X100B
P.O. BOX 8097
Emeryville CA 94662-8097

In re Application of :
CHOO et al. :
Application No.: 12/310,309 : DECISION
PCT No.: PCT/US2007/018591 :
Int. Filing Date: 22 August 2007 :
Priority Date: 22 August 2006 :
Attorney Docket No.: 52079-US-PCT (2300-28271) :
For: TISSUE CULTURE SYSTEM FOR :
PRODUCTION OF HEPATITIS C VIRUS :

This is a decision on applicants' renewed petition under 37 CFR 1.47(a) filed 01 February 2011 in the United States Patent and Trademark Office (USPTO). The petition is **GRANTED**.

BACKGROUND

On 22 August 2007, applicants filed international application PCT/US2007/018591, which designated the United States and claimed a priority date of 22 August 2006. A copy of the international application was communicated from the International Bureau to the USPTO on 28 February 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 23 February 2009 (22 February 2009 being a Sunday).

On 19 February 2009, 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.

On 23 June 2009, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 14 August 2008, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a five-month extension of time and a declaration of facts by Kara Shure with documents in support thereof.

On 11 March 2010, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.47(a).

On 04 October 2010, applicants filed a renewed petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a five-month extension of time, several declarations of inventors, and a supplemental declaration of facts by Kara Shure with documents in support thereof.

On 08 December 2010, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.47(a). Specifically, it was noted that the declaration of inventors signed by Michael HOUGHTON was not sufficient because it contains non-initialed alterations.

On 01 February 2011, applicants filed the instant renewed petition under 37 CFR 1.47(a) which was accompanied by a new declaration of inventors signed by Michael HOUGHTON.

DISCUSSION

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 noted in the decision mailed 11 March 2010, items (1) and (3) have been met.

As noted in the decision mailed 08 December 2010, item (2) has been met.

Item (4) has now been met. The declaration of inventors signed by Michael HOUGHTON filed 01 February 2011 is in compliance with 37 CFR 1.52(c).

CONCLUSION

For the reasons set forth above, applicants' renewed 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 **01 February 2011**. (The Filing Receipt and the NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495 (Form PCT/DO/EO/903), both mailed 28 May 2010, were **VACATED**. in the Decision mailed 08 December 2010.)

/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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MAILED

MAR 14 2011

PCT LEGAL ADMINISTRATION

Mr. Hyun Chul Song
1407 Scenic Avenue
Berkeley, CA 94708-1811

In re Application of
CHOO et al.
Application No.: 12/310,309
PCT No.: PCT/US2007/018591
Int. Filing Date: 22 August 2007
Priority Date: 22 August 2006
Attorney Docket No.: 52079-US-PCT (2300-28271)
For: TISSUE CULTURE SYSTEM FOR PRODUCTION OF HEPATITIS C VIRUS

Dear Mr. Song:

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

NOVARTIS VACCINES AND DIAGNOSTICS INC.
INTELLECTUAL PROPERTY- X100B
P.O. BOX 8097
Emeryville CA 94662-8097

UNITED STATES PATENT AND TRADEMARK 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.
12/310,343	09/17/2009	Ji Hoon Ryu	LGCHEM 3.3-076	6345

86765 7590 11/02/2011

LGCHEM
Lerner, David, Littenberg, Krumholz & Mentlik, LLP
600 South Avenue West
Westfield, NJ 07090

EXAMINER	
TAKEUCHI, YOSHITOSHI	
ART UNIT	PAPER NUMBER
1726	

NOTIFICATION DATE	DELIVERY MODE
11/02/2011	ELECTRONIC

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

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

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

eOfficeAction@ldlkm.com

UNITED STATES 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

11/2/11

In re application of	:	DECISION ON REQUEST TO
Ji Heon Ryu et al.	:	PARTICIPATE IN PATENT
Serial No. 12/310,343	:	PROSECUTION HIGHWAY
Filed: February 19, 2009	:	PROGRAM AND
Attorney Docket No: LGCHEM 3.3-076	:	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 July 07, 2011.

The request and petition are **GRANTED**.

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

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

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the KIPO application(s);
   b. An English translation of the allowable/ patentable claim(s); and
   c. A statement that the English translation is accurate;

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

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

(5) Applicant must submit a copy of:
   a. All of the Office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) that are the basis for the request;

b. An English language translation of the KIPO Office actions from (5)(a) above; and
c. A statement that the English translation is accurate; and

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

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

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

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

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

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED

MAY 16 2011

OFFICE OF PETITIONS

In re Application of :
Sang Ho Park et al :
Application No. 12/310,350 : DECISION GRANTING PETITION
Filed: February 23, 2009 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 9988.644.00 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed May 13, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on April 7, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 1711 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/310,359	02/23/2009	Tidhar Shalon	45867	6799

67801 7590 03/31/2011

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

EXAMINER	
GHERBI, SUZETTE JAIME J	
ART UNIT	PAPER NUMBER
3738	
MAIL DATE	DELIVERY MODE
03/31/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MARTIN D. MOYNIHAN
d/b/a PRTSI, INC.
PO BOX 16446
ARLINGTON, VA 22215

In re Application of:
Tidhar Shalon et al.
Application No.: 12/310,359
Filed: February 23, 2009
For: DEVICES AND METHODS FOR ALTERING EATING BEHAVIOR:

:
DECISION ON PETITION UNDER 37 :
CFR 1.84(a)(2) TO ACCEPT COLORED DRAWINGS

This is a decision on the PETITION FOR ACCEPTANCE OF COLOR DRAWINGS UNDER 37 CFR 1.84(a)(2), filed February 23, 2009. The petition requests that all the drawings, which are in color, be accepted in lieu of black and white drawings.

A grantable petition under 37 CFR 1.84(a)(2) must be accompanied by 1) the fee set forth under 37 CFR 1.17(h), 2) three (3) sets of the color drawings in question, a black and white photocopy of said drawings, and 3) the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

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

A review of the application record indicates that the petition meets all of the requirements for acceptance of color drawings. This is not to be construed that all of the drawings are accepted, only that the color drawings are acceptable.

The petition is **GRANTED**.

Should there be any questions with respect to this decision, please contact Corrine McDermott by mail addressed to: Director, Technology Center 3700, at the address listed above, or by telephone at 571-272-4754 or by facsimile transmission at 571-273-8300.

Corrine McDermott
SPE, Art Unit 3738

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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COLIN P ABRAHAMS
5850 CANOGA AVENUE
SUITE 400
WOODLAND HILLS CA 91367

MAILED

SEP 15 2011

OFFICE OF PETITIONS

In re Application of :
Jorge Silva :
Application No. 12/310,385 : ON PETITION
Filed: February 20, 2009 :
Attorney Docket No: 1431-101.US:

This is a decision on the petition filed September 6, 2011 under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the non-Final Office Action mailed December 1, 2010. A shortened statutory period of three months was set for replying to the non-Final Office Action. No response having been timely filed, this application became abandoned March 2, 2011. Accordingly, a Notice of Abandonment was sent via Electronic Notification on June 15, 2011.

This matter is being referred to Technology Center 1621 for appropriate action on the amendment filed September 6, 2011.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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

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

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

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

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

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

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0028
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.	12/310,404	Filing date:	February 24, 2009
First Named Inventor:	Michael KOBLINGER		
Title of the Invention:	Form Cylinder of a Printing Machine, Comprising a Plurality of Sections in a Series in the Axial Direction		

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/EP2007/056429

The international date of the corresponding PCT application(s) is/are: June 27, 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(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 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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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	12/310,404
First Named Inventor:	Michael KOBLINGER

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 February 24, 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 February 24, 2009

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
125 - 129	1 - 5	direct correspondence
130	6	U.S. claim amended to remove multiple dependency
		present in PCT claim
131 - 163	7 - 39	direct correspondence
164	40	U.S. claim amended to remove multiple dependency
		present in PCT claim
165 - 186	41 - 62	direct correspondence
- -	63	cancelled due to improper form

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

Signature:	Date: September 28, 2010
Name (Print/Typed): Douglas R. Hanscom	Registration Number: 28600

KARIN T. DUNN

GERMAN TRANSLATION AND LANGUAGE SERVICES
Certified by the American Translators Association

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TELEPHONE, FAX: 703-426-1422 · DUNN6FAM@MSN.COM

Date: January 14, 2009

DECLARATION

The undersigned, Karin T. Dunn, hereby states that she is well acquainted with both the English and German languages and that the attached is a true translation to the best of her knowledge and ability of the German text of PCT/EP2007/056429, filed on 6/27/2007 and published on 3/6/2008 under No. WO 2008/025584 A1. The undersigned further states that the prosecution documents associated with PCT/EP2007/056429 and translated by her are also true translations to the best of her knowledge and ability.

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

Karin T. Dunn

Translation of the pertinent portions of a **Notification of the Transmittal of the International Search Report and the Written Opinion of the International Search Authority or the Declaration (Rule 44.1 PCT)**, mailed on 12/28/2007

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant under Article 18. The report comprises a total of 3 pages. Copies of each prior art document cited in this report are also enclosed.

1. **Basis of the Report**
   With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed

4. With regard to the **Title of the Invention**:

   The wording has been established as submitted by the applicant.

5. With regard to the **Abstract**:

   The wording has been established by the Authority, under Rule 38.2b), in the wording provided in Box IV.

6. With regard to the **Drawings**:

   Fig. 11 will be published with the abstract, as selected by the Authority, because the applicant failed to suggest a drawing.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (Rule 43*bis*.1 PCT)

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

Box I Basis of the opinion

Box V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Box I Basis of the Opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed

Box V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty	Yes:	Claims 1-63
	No:	Claims
Inventive Step	Yes:	Claims 1-63
	No:	Claims
Industrial Applicability	Yes:	Claims 1-63
	No:	Claims:

2. Citations and Explanations
See attached sheet

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (SUPPLEMENTARY TEXT)

Item V.

1. Reference is made to the following document:

   D1: WO 2004/028809 A (KOENIG & BAUER AG [DE]; SCHAEFER KARL ROBERT [DE]) 8 April 2004 (04/08/2004) cited in the application

2. **CLARITY (ARTICLE 6 PCT)**

   2.1. For purposes of clarity, Claim 13 is viewed as dependent upon Claim 12, because the Schmitz ring is first encountered in Claim 12.

   2.2. Claim 40 is viewed as dependent upon Claim 1, because it contains all the characterizing features of the independent Claim 1.

   2.3. The formulation of Claim 63 is unclear, because it is not clearly established which characterizing features are allocated to the forme cylinder (PCT Guidelines Annex A5.16[2]). Furthermore, only the characterizing features of Claim 2 are implemented in Claim 63.

   2.4. Claims 1 and 60 have been worded as separate, independent claims, however they appear to actually refer to one and the same object and apparently differ from one another only in terms of different definitions of the object for which protection is sought. For this reason, the claims are not concisely worded and do not fulfill the requirements of Article 6 PCT.

   2.5. The formulation of Claim 55 is unclear: "in accordance with Claim 51 **and** 53". The characterizing features of Claims 51 and 53 are considered and/or implemented in Claim 55.

3. **INDEPENDENT CLAIM 1**

   3.1. Document D1 discloses (references in parentheses refer to this document) a forme cylinder (06) of a printing press comprising a plurality of sections in series in its axial direction (page 7, lines 27-29) on its circumferential surface (07), wherein in each of these sections at least one printing forme (01) can be respectively positioned, wherein the forme cylinder (06) has at least one groove (08) extending in its axial direction, with an opening (09) on the circumferential surface (07) of said forme cylinder (06), wherein at least one holding device assigned respectively to one of the sections can be positioned in the or in each groove (08), wherein each of the respective holding devices can be pneumatically actuated in sections (page 8, lines 23-28).

   3.2. Claim 1 differs from D1 in that outside of the sections at least one recess which is opened on the circumferential surface of this forme cylinder is formed, wherein in the at least one recess, a device for distributing the compressed air supplied to the

forme cylinder to the respective sections is provided, wherein the device which distributes the compressed air supplied to the forme cylinder to the respective sections is embodied as an arrangement of a plurality of valves, wherein these valves each actuate the respective holding device in the section respectively assigned to them, based upon their position, wherein outside of this forme cylinder at least one control device is provided, with which these valves can be actuated in a contactless manner.
Claim 1 is therefore novel (Article 33(2) PCT).

3.3. The problem to be solved here consists in positioning a remote actuation mechanism for holding devices on a forme cylinder.

3.4. One of ordinary skill in the art would find no suggestion in the prior art which would lead to the solution proposed here in a simple manner. This actually does not involve a slight structural variant, as adjustments are technically complex. Claim 1 is therefore inventive (Article 33(3) PCT).

4. INDEPENDENT CLAIM 60

The same justification used for Claim 1 also applies to the independent Claim 60, because Claims 1 and 60 contain the same technical characterizing features. Accordingly, Claim 60 is also novel and inventive (Article 33(2) & (3) PCT).

5. ADDITIONAL REMARKS

5.1. According to Rule 11.13 m) PCT, the same characterizing features must be identified using the same reference symbols throughout the entire application. This requirement is not fulfilled in the use of the reference symbol 16 to identify both the linear drive (page 24 §2) and the suction pump (page 36).

5.2. According to Rule 11.13 m) PCT, the same characterizing features must be identified using the same reference symbols throughout the entire application. This requirement is not fulfilled in the use of the reference symbol A or E to identify a section (page 11 §2) and the compressed air outlet or intake (page 20, lines 5-7, Figure 18).

5.3. The 128° line is not indicated on Figure 21 (Specification, page 21 §1).

Claims

1. Forme cylinder (06) of a printing press comprising a plurality of sections (A; B; C; D; E; F) in series on its circumferential surface in its axial direction, wherein at least one printing forme (01) can be positioned in each of these sections (A; B; C; D; E; F), wherein the forme cylinder (06) has at least one groove (07) extending in its axial direction, with an opening (08) on the circumferential surface of said forme cylinder (06), wherein at least one holding device respectively assigned to one of the sections (A; B; C; D; E; F) is located in the or in each groove (06), wherein the respective holding devices can each be pneumatically actuated by section, wherein outside of the sections (A; B; C; D; E; F) at least one recess, open at the circumferential surface of this forme cylinder (06), is formed, wherein in the at least one recess, a device for distributing the compressed air supplied to the forme cylinder (06) to the respective sections (A; B; C; D; E; F) is provided, characterized in that the device which distributes the compressed air supplied to the forme cylinder (06) to the respective sections (A; B; C; D; E; F) is embodied as an arrangement of a plurality of valves (36), wherein these valves (36) actuate the respective holding device based upon their position in the section (A; B; C; D; E; F) assigned to them, wherein outside of this forme cylinder (06) at least one control device (18) is provided, with which these valves (36) can be actuated in a contactless manner.

2. Forme cylinder (06) in accordance with claim 1, characterized in that at least as many valves (36) are provided in the forme cylinder (06) as the forme cylinder (06) has sections (A; B; C; D; E; F).

3. Forme cylinder (06) in accordance with claim 1, characterized in that the control device (18), in its assignment to each of the valves (36), is oriented in a radial line of action

toward the circumferential surface of the forme cylinder (06).

4. Forme cylinder (06) in accordance with claim 1, characterized in that the valves (36) located in the forme cylinder (06) each have a magnetically or inductively actuable actuation device.

5. Forme cylinder (06) in accordance with claim 1, characterized in that the valves (36) located in the forme cylinder (06) can each be controlled using an electromagnetic actuation device.

6. Forme cylinder (06) in accordance with claim 4 or 5, characterized in that the actuation device is remotely actuable.

7. Forme cylinder (06) in accordance with claim 1, characterized in that the valves (36) located in the forme cylinder (06) can be actuated using a magnet (39) applied manually to the forme cylinder (06).

8. Forme cylinder (06) in accordance with claim 7, characterized in that the magnet (39) applied manually to the forme cylinder (06) is located in or on a glove.

9. Forme cylinder (06) in accordance with claim 1, characterized in that a radial distance between the control device (18) and the respective device for actuating the valve (36) to be actuated measures between 2 mm and 50 mm, preferably between 5 mm and 30 mm, especially between 6 mm and 10 mm.

10. Forme cylinder (06) in accordance with claim 1, characterized in that the devices for actuating the valves (36) located in the forme cylinder (06) are positioned spaced from one another in the axial direction of said forme cylinder (06) at a distance ranging

from 1 mm to 15 mm, preferably from 8 mm to 14 mm, especially from 10 mm to 12 mm.

11. Forme cylinder (06) in accordance with claim 1, characterized in that the valves (36) selectively actuate the holding devices provided side by side in the groove (07) by section.

12. Forme cylinder (06) in accordance with claim 1, characterized in that a Schmitz ring is attached at each of the two end surfaces of the forme cylinder (06).

13. Forme cylinder (06) in accordance with claim 1, characterized in that the Schmitz ring delimits the at least one recess in this forme cylinder (06) at its end surface.

14. Forme cylinder (06) in accordance with claim 1, characterized in that an infeed device engaged against the circumferential surface of the forme cylinder (06) is provided, which supplies a printing forme (01) to be fed to the forme cylinder (06).

15. Forme cylinder (06) in accordance with claim 1, characterized in that an axial extension of each section (A; B; C; D; E; F) corresponds approximately to the width of the printing forme to be supplied in the respective section (A; B; C; D; E; F).

16. Forme cylinder (06) in accordance with claim 1, characterized in that the forme cylinder (06) has two, four, six or eight sections (A; B; C; D; E; F) side by side in its axial direction.

17. Forme cylinder (06) in accordance with claim 1, characterized in that the sections (A; B; C; D; E; F) arranged side by side in the axial direction of the forme cylinder (06) are equal in width.

18. Forme cylinder (06) in accordance with claim 1, characterized in that the at least one groove (07) leads into the recess or into at least one of the recesses of this forme cylinder (06).

19. Forme cylinder (06) in accordance with claim 1, characterized in that the groove (07) which extends in the forme cylinder (06) is embodied as an angular groove.

20. Forme cylinder (06) in accordance with claim 1, characterized in that the forme cylinder (06) has two grooves (07) arranged offset circumferentially.

21. Forme cylinder (06) in accordance with claim 20, characterized in that the forme cylinder (06) has two diametrically opposite grooves (07).

22. Forme cylinder (06) in accordance with claim 1, characterized in that the forme cylinder (06) has at least one groove (07) with an opening (08), which opens up the circumferential surface of the forme cylinder (06) at least in sections.

23. Forme cylinder (06) in accordance with claim 1, characterized in that the opening (08) of the groove (07) that extends in the forme cylinder (06) has a slit width measuring less than 5 mm in the circumferential direction of the forme cylinder (06).

24. Forme cylinder (06) in accordance with claim 1, characterized in that only a single compressed air intake is provided for actuating all holding devices situated in this forme cylinder (06).

25. Forme cylinder (06) in accordance with claim 1, characterized in that a compressed air intake device (28) is provided for supplying compressed air to the forme cylinder (06), wherein the compressed air intake device (28) has at least one remotely actuable operating position with respect to the compressed air to be transmitted to the

forme cylinder (06).

26. Forme cylinder (06) in accordance with claim 25, characterized in that the compressed air intake device (28) transmits the compressed air to be distributed to the forme cylinder (06) at its respective holding devices assigned to the respective sections (A; B; C; D; E; F) to the forme cylinder (06) via only a single line from an exterior compressed air source.

27. Forme cylinder (06) in accordance with claim 25, characterized in that the compressed air intake device (28) transmits the compressed air to be distributed to the forme cylinder (06) at its respective holding devices assigned to the respective sections (A; B; C; D; E; F) to the forme cylinder (06) coaxially.

28. Forme cylinder (06) in accordance with claim 25, characterized in that only a single compressed air intake device (28) is provided on the forme cylinder (06).

29. Forme cylinder (06) in accordance with claim 25, characterized in that only a single line is provided in the forme cylinder (06), which conducts the compressed air, which is transmitted to the forme cylinder (06) via the compressed air intake device (28), to the valves (36) located in the recess.

30. Forme cylinder (06) in accordance with claim 25, characterized in that the compressed air intake device (28) is embodied as a rotary intake.

31. Forme cylinder (06) in accordance with claim 1, characterized in that multiple valves (36) located in one of the recesses are combined to form a valve block.

32. Forme cylinder (06) in accordance with claim 31, characterized in that a junction box

(42) shared by all valves (36) of a valve block is provided on said valve block, wherein multiple pneumatic lines (37; 41) are attached to this junction box (42).

33. Forme cylinder (06) in accordance with claim 32, characterized in that the pneumatic lines (37; 41) connected to the junction box (42) are emplaced in the same groove (07).

34. Forme cylinder (06) in accordance with claim 32, characterized in that the junction box (42) is securely connected to a wall of the respective groove (07).

35. Forme cylinder (06) in accordance with claim 32, characterized in that the junction box (42) is connected to the relevant valve block via a quick connection.

36. Forme cylinder (06) in accordance with claim 32, characterized in that each pneumatic line (37; 41) connected to the junction box (42) of a valve block conducts the compressed air in the groove (07) of the forme cylinder (06) to a specific one of the sections (A; B; C; D; E; F) arranged side by side.

37. Forme cylinder (06) in accordance with claim 32, characterized in that each pneumatic line (37) which leads in the groove (07) to one of the sections (A; B; C; D; E; F) arranged side by side ends in the center area of the relevant section (A; B; C; D; E; F).

38. Forme cylinder (06) in accordance with claim 1, characterized in that holding means assigned to the individual sections (A; B; C; D; E; F) of the forme cylinder (06) are arranged in the groove (07), wherein these holding means hold at least one printing

forme (01) positioned on the circumferential surface of the forme cylinder (06), in each case by a suspension leg (13) that is bent at its trailing edge (12).

39. Forme cylinder (06) in accordance with claim 38, characterized in that the holding means arranged in the groove (07) have a holding position and a released position with respect to the suspension leg (13) of the printing forme (01) that is to be held, wherein at least a change from the holding position to the released position is dependent upon an actuation of one of the valves (36) assigned to the relevant holding means.

40. Printing couple with at least one forme cylinder (06) in accordance with any one of claims 1 through 34 or 61 through 63, characterized in that a computer unit belonging to the printing press is provided, wherein this computer unit actuates the at least one control device (18) such that the control device (18) actuates the valves (36) located in the forme cylinder (06).

41. Printing couple in accordance with claim 40, characterized in that the computer unit is situated in a control station belonging to the printing press.

42. Printing couple in accordance with claim 40, characterized in that the at least one control device (18) has multiple electrically controllable magnets (38), arranged side by side, assigned to the valves (36).

43. Printing couple in accordance with claim 40, characterized in that the at least one control device (18) actuates the valves (36) located in the forme cylinder (06) based upon at least one specific angular position of the forme cylinder (06).

44. Printing couple in accordance with claim 40, characterized in that the at least one control

device (18) is positioned fixed to the frame in the printing press.

45. Printing couple in accordance with claim 40, characterized in that at least one pressure strip (26), which extends axially parallel in relation to the forme cylinder (06), is allocated to said forme cylinder (06).

46. Printing couple in accordance with claim 45, characterized in that the pressure strip (26) is held at both ends in the frame of the printing press, spaced somewhat from the circumferential surface of the forme cylinder (06).

47. Printing couple in accordance with claim 45, characterized in that the pressure strip (26) has multiple roller elements (14) in the axial direction of the forme cylinder (06), which are respectively assigned to the respective sections (A; B; C; D; E; F).

48. Printing couple in accordance with claim 47, characterized in that the engagement of the roller elements (14) of the pressure strip (26) against the circumferential surface of the forme cylinder (06) is controlled by a control device.

49. Printing couple in accordance with claim 47, characterized in that the roller elements (14) of the pressure strip (26) which are assigned to a specific section (A; B; C; D; E; F) can be engaged against the circumferential surface of the forme cylinder (06) independently of the roller elements (14) in another section (A; B; C; D; E; F) or in all other sections (A; B; C; D; E; F).

50. Printing couple in accordance with claim 47, characterized in that all roller elements (14) of the pressure strip (26) arranged side by side can be engaged against the circumferential surface of the forme cylinder (06) only together.

51. Printing couple in accordance with claim 48, characterized in that a shared control

device controls both the valves (36) located in the forme cylinder (06) and the roller elements (14) of the pressure strip (26).

52. Printing couple in accordance with claim 40, characterized in that at least one holding means (11) positioned separately from the forme cylinder (06) is provided, wherein this holding means (11) holds at least one printing forme (01) to be supplied to the forme cylinder (06) in one of its sections (A; B; C; D; E; F), via a non-positive connection.

53. Printing couple in accordance with claim 52, characterized in that a control device controls the non-positive connection exerted by the holding means (11) on the printing forme (01).

54. Printing couple in accordance with claim 52, characterized in that a sensor (19) or a switch (19) is provided, wherein direct contact produced between the holding means (11) and the printing forme (01) actuates the sensor (19) or switch (19), causing the control device to engage the non-positive connection.

55. Printing couple in accordance with claim 51 and 53, characterized in that a shared control device controls the valves (36) located in the forme cylinder (06) and the roller elements (14) of the pressure strip (26) and the non-positive connection exerted by the holding means (11) on the printing forme (01).

56. Printing couple in accordance with claim 55, characterized in that the shared control device is situated in the control station belonging to the printing press.

57. Printing couple in accordance with claim 40, characterized in that the forme cylinder (06) is embodied as a double-circumference forme cylinder (06) with grooves (07) which are offset 180° from one another.

58. Printing couple in accordance with claim 40, characterized in that the forme cylinder (06) is embodied as a single-circumference forme cylinder (06) with only a single axially parallel groove (07).

59. Printing couple in accordance with claim 40, characterized in that the forme cylinder (06) cooperates with a transfer cylinder embodied as a double-circumference cylinder.

60. Printing couple in accordance with claim 40, characterized in that it is located in an H printing unit or in a 9-satellite printing unit.

61. Forme cylinder (06) of a printing press with a plurality of sections (A; B; C; D; E; F) in series in its axial direction on its circumferential surface, wherein in each of these sections (A; B; C; D; E; F) at least one printing forme (01) can be respectively arranged, wherein the forme cylinder (06) has at least one groove (07) extending in its axial direction with an opening (08) on the circumferential surface of this forme cylinder (06), wherein at least one holding device assigned respectively to one of the sections (A; B; C; D; E; F) is located in the or in each groove (06), wherein each of the respective holding devices can be actuated pneumatically in sections, wherein a device for distributing the compressed air supplied to the forme cylinder (06) to the respective sections (A; B; C; D; E; F) is provided, characterized in that the device which distributes the compressed air supplied to the forme cylinder (06) to the respective sections (A; B; C; D; E; F) is embodied as an arrangement of multiple valves (36), wherein these valves (36) actuate the respective holding device based upon their position in the section (A; B; C; D; E; F) respectively assigned to them, wherein outside of this forme cylinder (06) at least one control device (18) is provided, with which these valves (36) can be actuated in a contactless manner, wherein the control device (18), in its assignment to each of the

valves (36), is oriented in a radial line of action toward the circumferential surface of the forme cylinder (06).

62. Forme cylinder (06) in accordance with claim 61, characterized in that outside of the sections (A; B; C; D; E; F) at least one recess that is open on the circumferential surface of this forme cylinder (06) is formed, wherein the valves (36) are located in the at least one recess.

63. Forme cylinder (06) in accordance with claim 61 or 62 with at least one of the characterizing features of claims 2 or 4 through 39.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/328,187	12/04/2008	Thomas M. Cates	B0007-1001	6505

24208 7590 10/22/2010

ROBERT PLOTKIN, PC
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EXAMINER	
ART UNIT	PAPER NUMBER
2876	

NOTIFICATION DATE	DELIVERY MODE
10/22/2010	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):

RPLOTKIN@RPLOTKIN.COM

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In re Application of
Michael KOBLINGER, et al.

Application No.: 12/310,404
Filed: 24 February 2009
Attorney Docket No.: WI.2846 PCT-US
For: FROM CYLINDER OF A PRINTING MACHINE, COMPRISING A PLURALITY OF SECTIONS IN A SERIES IN THE AXIAL DIRECTION ON THE ENVELOPE SURFACE THEREOF, AND PRINTING COUPLE COMPRISING SUCH FORM CYLINDER

: DECISION ON REQUEST TO
: PARTICIPATE IN THE 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 (PCT-PPH) pilot program and petition under 37 CFR 1.102(d) to participation, filed 28 September 2010.

The request and petition are DENIED.

Discussion

A petition to participation for the above-identified application in the PCT Patent Prosecution Highway (PPH) pilot program was received 22 February 2010. A decision dismissing the petition, was mailed on 8 April 2010. The decision set a non-extendable time period of ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing date to corrected deficiency/deficiencies in the petition. The Applicant was reminded that they are given ONE opportunity within the time period to correct the deficiencies. On 10 May 2010 a renewed request to participation in the PCT-PPH pilot program was received. On 9 June 2010 a decision denied the renewed request to participation in the PCT-PPH pilot program. A second request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and petition under 37 CFR 1.102(d) was filed on 28 September 2010. Petitioner is again reminded that a single opportunity to perfect the petition is given. Therefore, further petitions for participation in the Patent Prosecution Highway (PPH) pilot program in this application will not be entertained.

Response must be filed via the Electronic Filing System (EFS) with the Document Code PPH.PET.

Telephone inquiries concerning this decision should be directed to Michael Day at 571-272-1568.

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

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

Michael Day
TQAS
Technology Center 2800- Semiconductors,
Electrical & Optical Systems & Components

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

PTO/SB/22/PCT-EP (09-10)
Approved for use through 9/30/2012. 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:	12/310,408	Filing Date:	February 24, 2009
First Named Inventor:	Detlef Alfons BUCHNER		
Title of the Invention:	Ink Dosing Device of a Printing Group, and Method for Controlling the Ink Dosing 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/EP2007/058253

The international date of the corresponding PCT application(s) is/are: August 9, 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(a). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 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.:	12/310,405
First Named Inventor:	Detlef Alfons SÜCHNER

c. (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 February 24, 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 February 24, 2009

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
23-33		direct correspondence

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

Signature:	Date: October 7, 2010
Name (Print/Typed): Douglas R. Hanscom	Registration Number: 26800

KARIN T. DUNN

GERMAN TRANSLATION AND LANGUAGE SERVICES
Certified by the American Translators Association

4706 OLDE FORGE CT., FAIRFAX, VA 22032
TELEPHONE: 703-426-1422 · FAX: 703-426-2772 · DUNN6FAM@MSN.COM

Date: January 14, 2009

DECLARATION

The undersigned, Karin T. Dunn, hereby states that she is well acquainted with both the English and German languages and that the attached is a true translation to the best of her knowledge and ability of the German text of PCT/EP2007/058253, filed on 8/9/2007 and published on 3/13/2008 under No. WO 2008/028744 A1.

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

Karin T. Dunn

Translation of the pertinent portions of a **Notification of the Transmittal of the International Search Report and the Written Opinion of the International Search Authority or the Declaration (Rule 44.1 PCT)**, mailed on 01/22/2008

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. The report comprises a total of 3 pages. Copies of each prior art document cited in this report are also enclosed.

1. **Basis of the Report**
   With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed

4. With regard to the **Title of the Invention**:

   The wording has been determined as submitted by the applicant

5. With regard to the **Abstract**:

   The wording has been determined as submitted by the applicant.

6. With regard to the **Drawings**:

   a. Figure 2 is to be published with the abstract, as selected by the Authority, as the applicant failed to suggest a drawing.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (Rule 43*bis*.1 PCT)

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

Box I Basis of the opinion

Box V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Box No. I Basis of the Opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed

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

1. Statement

Novelty	Yes:	Claims 1-11
	No:	Claims
Inventive Step	Yes:	Claims 1-11
	No:	Claims
Industrial Applicability	Yes:	Claims 1-11
	No:	Claims:

2. Citations and Explanations
See attached sheet

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (SUPPLEMENTARY TEXT)

Re Point V

1. Reference is made to the following document:
   D1: DE 10 2004 022700 B3 (KOENIG & BAUER AG [DE]) 13 October 2005 (10/13/2005), cited in the application

2. **CLARITY (ARTICLE 6 PCT)**
   It is unclear from the wording of Claim 1 whether the control station is a part of the ink metering device. In order to fulfill the requirements of PCT Guidelines 5.37, Claim 1 has been interpreted as follows:
   Printing press having a printing couple (01), wherein the printing couple (01) has a printing couple cylinder (02) embodied as a forme cylinder (02), an inking unit [...], an ink metering device (04) [...] and a control station (07), wherein the control station (07) a number (n) [...].
   (See Specification, page 3)

3. **INDEPENDENT CLAIM 1**
   3.1. Document D1 discloses (references in parentheses refer to this document) an ink metering device for a printing couple, having a printing couple cylinder embodied as a forme cylinder, and an inking unit (04), wherein the ink metering device has a number of physical zones (08) that can be individually adjusted via metering elements (08), arranged side by side in the longitudinal direction, for the individual, section by section adjustment of a quantity of ink to be applied, and a control station (§[0026]).
   3.2. The difference between Claim 1 and D1 is that a number of virtual zones assigned to one printed page have operator elements for controlling metering elements, wherein a segmentation of the zones of the ink metering device, based upon the width of the printed page, with respect to a number and/or position of the zones of the ink metering device across the width of one printed page is different from a segmentation of the zones on the control station, based upon the width of the printed page, with respect to the number and/or position of the zones on the control station across the width of one printed page, and wherein at least two metering elements are assigned to at least one of the operator elements via a computing means, with respect to a relevance in adjustment following the selection of said operator element.
   Claim 1 is therefore novel (Article 33(2) PCT).
   3.3. The problem to be solved herein consists in devising a standardized ink metering device for different machine widths.
   3.4. From the prior art, it is neither known nor suggested to one of ordinary skill in the art to take the above-described solution into consideration: This does not involve minor variations, because a special technical effect is generated from the combination of the ink metering device and the control station, namely a reduction in the cost of different machine widths or product formats.
   Claim 1 is therefore inventive (Article 33(3) PCT).

4. **INDEPENDENT CLAIM 10**

4.1. Document D1 discloses (references in parentheses refer to this document) a method of controlling an ink metering device having a number of physical zones (08) that can be adjusted individually via metering elements (08), said number being based upon a printed page width.

4.2. The difference between Claim 10 and D1 is based upon the following: Method with operator elements for controlling the metering elements, which are assigned to a number of virtual zones, said number being based upon a printed page width, wherein the virtual and physical zones based upon a printed page width differ from one another in terms of number or position, and wherein the metering elements are controlled, such that the difference in terms of position and/or number between the virtual and physical zones is taken into consideration based upon established principles using an algorithmic calculation, and such that, when at least one of the operator elements is activated, an activation of a plurality of metering elements is triggered via the algorithm.

Claim 10 is therefore novel (Article 33(2) PCT).

4.3. The present corresponding process Claim 10 is also inventive for the same reason as for Claim 1 (Article 33(3) PCT).

5. **CLAIMS 2-9, 11**

Claims 2-9 or 11 are dependent upon Claim 1 or 10, respectively, and therefore also fulfill the requirements of the PCT with respect to novelty and inventive step.

6. **ADDITIONAL REMARKS**

According to the requirements of Rule 11.13 l) PCT, reference symbols not listed in the Specification may not appear in the set of drawings, and vice versa. This requirement is not fulfilled with respect to the reference symbols zp (Specification, page 5, line 14) and zv (Specification page 5, line 24).

Claims

1. Ink metering device (04) of a printing couple (01) having a printing couple cylinder (02) embodied as a forme cylinder (02) and an inking unit, wherein the ink metering device (04) has a number (m) of physical zones ($Z_{P,j}$) arranged side by side in the longitudinal direction, which can be adjusted individually using metering elements (D_j), for the individual, section by section adjustment of a quantity of ink to be applied, and a control station (07) has a number (n) of operator elements B_i assigned to virtual zones ($Z_{V,j}$) of a printed page, for controlling metering elements (D_j), wherein the segmentation of the zones ($Z_{V,j}$) of the ink metering device (04), based upon the printed page width, with respect to the number and/or position of the zones ($Z_{V,j}$) of the ink metering device (04) across the width (b_S) of a printed page (S) is different from the segmentation of the zones ($Z_{V,j}$) on the control station (07), based upon the printed page width, with respect to a number and/or position of the zones ($Z_{V,j}$) on the control station (07) across the width (b_S) of a printed page (S), and wherein at least two metering elements (D_j) are assigned to at least one of the operator elements (B_i), via a computing means, with respect to relevance in the positioning process following the selection of this operator element (B_i).

2. Ink metering device in accordance with Claim 1, characterized in that physical zones ($Z_{P,j}$) of the ink metering device (04) and virtual zones ($Z_{V,j}$) of the control station (07) are embodied having widths (b_P, b_V) that differ from one another.

3. Ink metering device in accordance with Claim 1, characterized in that the total width of the physical zones ($Z_{P,j}$) arranged side by side is greater than a machine width (M1; M2) defined by the maximum web width to be processed.

4. Ink metering device in accordance with Claim 1, characterized in that a number (np) of physical zones ($Z_{P,j}$) based upon the width (b_S) of one printed page (S) differs from a whole number.

5. Ink metering device in accordance with Claim 1, characterized in that a computing means equipped with an algorithm (A) is provided, which is configured so as to account for the differences in segmentation between virtual and physical zones ($Z_{V,j}$, $Z_{P,j}$) in controlling the metering elements (D_j), based upon established rules.

6. Ink metering device in accordance with Claim 1, characterized in that the computing means is located in the signal path between the operator elements (B_j) and the drives for the metering elements (D_j).

7. Ink metering device in accordance with Claim 1, characterized in that the ink metering device (04) cooperates with a roller (03) of an inking unit.

8. Ink metering device in accordance with Claim 1, characterized in that the forme cylinder (02) to be inked up by the inking unit supports a plurality of printing formes on its outer periphery, side by side in the axial direction.

9. Ink metering device in accordance with Claim 1, characterized in that the control station (07) has a whole number (n) of virtual zones ($Z_{V,j}$).

10. Method of controlling an ink metering device (04) having a number (zp) of physical zones ($Z_{P,j}$) that can be adjusted individually via metering elements (D_j), said number being based upon one printed page width, and having a number (zv) of operator elements (B_j), which are assigned to virtual zones ($Z_{V,j}$), for controlling the metering elements (D_j), said number being based upon one printed page width, wherein the virtual

and physical zones ($Z_{V,j}$; $Z_{P,i}$) differ from one another in terms of number or position based upon one printed page width, and wherein the metering elements (D_i) are controlled such that an algorithmic calculation (A) takes into account the difference in terms of position and/or number between the virtual and physical zones ($Z_{P,i}$, $Z_{V,j}$), based upon established rules, and such that when at least one of the operator elements (B_j) is activated, a plurality of metering elements (D_i) are activated via the algorithm (A).

11. Method in accordance with Claim 10, characterized in that the plurality of metering elements (D_i) are activated taking into account the coverage between the relevant physical zones ($Z_{P,i}$) and the virtual zone ($Z_{V,j}$) of the activated operator element (B_j).

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/310,405	02/24/2009	Detlef Alfons Büchner	W1.2526 PCT-US	1751

23294 7590 11/08/2010
JONES, TULLAR & COOPER, P.C.
P.O. BOX 2266 EADS STATION
ARLINGTON, VA 22202

EXAMINER	
HINZE, LEO T	

ART UNIT	PAPER NUMBER
2854	

MAIL DATE	DELIVERY MODE
11/08/2010	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

In re Application of
Detlef Alfons BüCHNER
Application No.: 12/310,405
Filed: 24 February 2009
Attorney Docket No.: W1.2526 PCT-US
For: INK DOSING DEVICE OF A PRINTING GROUP, AND METHOD FOR CONTROLLING THE INK DOSING 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 07 October 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

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

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability

along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

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

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

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

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

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

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Sureshchandra B. Patel
37 Miller Street
Toronto ON M6N 2Z6 CA CANADA

In re Application of PATEL
Application No.: 12/310,433
PCT No.: PCT/CA07/01537
Int. Filing: 27 August 2007
Priority Date: 26 August 2006
Attorney Docket No.: None
For: SYSTEM AND METHOD OF LOADFLOW CALCULATION FOR ELECTRICAL POWER SYSTEM

: DECISION ON
:
: PETITION UNDER
:
: 37 CFR 1.137(a)
:
:
:

This is a decision on applicant's petition to revive under 37 CFR 1.137(a), which was filed in the United States Patent and Trademark Office on 13 October 2010 in the above-captioned application.

BACKGROUND

On 27 August 2007, applicant filed international application PCT/CA07/01537 which claimed a priority date of 26 August 2006. Pursuant to 37 CFR 1.495, the thirty-month period for paying a basic national fee in the United States expired at midnight on 26 February 2009.

On 24 February 2009, applicant filed a transmittal letter for entry into the national stage in the United States under 35 U.S.C. 371, which was accompanied the instant petition to revive along with the basic national fee. The application papers were assigned U.S. serial number 12/310,433.

On 21 July 2009, a Notification of Insufficient Fees (Form PCT/RO/EO/923) was mailed to applicant, indicating that additional claim fees of $195 as a small entity, including any required multiple dependent claim fee, were required. Applicant was advised that the time period which in to respond to the Notification was two (2) months

On 08 September 2010, a Notification of Abandonment was mailed to applicant, indicating that applicant failed to respond to the Notification of Insufficient Fees.

DISCUSSION

The initial filing included the international application. The claims identified therein numbered eight (8). However, with the initial filing, applicant did not provide the proper authorization to charge the claim fees to his credit card. With the petition to revive under 37 CFR 1.137(a), applicant cancelled claims 3-8 leaving claims 1 and 2.

Petition under 37 CFR 1.137(a)

Under 37 CFR 1.137(a), a petition requesting that the application be revived on the grounds of unavoidable delay requires (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Director that

the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unavoidable and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d). As to Item (4), the terminal disclaimer is not required since this application was filed after 08 June 1995.

Item (1) is not satisfied. A Notification of Insufficient Fees (Form PCT/DO/EO/923) mailed on 21 July 2009 advised applicant that "additional claim fees of $195 as small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due." Petitioner acknowledges that he did not timely submit the additional fee of $195. The claims filed upon initial filing included claims 1through 8. Thus, the proper reply, the payment of the claims fees, has not been made. If applicant wishes to amend his claims, a proper amendment must be filed.

Item (2) is satisfied with the payment of the petition fee. Item (4) is not required in the instant case.

Concerning item (3), Petitioner has not provided an acceptable showing that the delay was unavoidable. Petitioner states that he did receive the Notification of Insufficient Fees and became aware of it when he viewed Private Pair. Petitioner also indicates that he does not keep "a formal system of logging incoming and outgoing mail." Thus, Petitioner cannot petition for the withdrawing of the holding of abandonment based upon a failure to receive an Office Action under 37 CFR 1.181.

Petitioner's statements and explanations are insufficient to satisfy the stringent standards applied to "unavoidable" abandonments. Specifically, unavoidable delay is present only where petitioner and those acting for petitioner take all actions necessary to continue the prosecution of an application, but through the intervention of unforeseen circumstances, a required action is not timely taken. The actions and circumstances described in this petition do not reflect the "care or diligence than is generally used and observed by prudent and careful men in relation to their most important business." *Ex Parte Pratt*, 1887 Dec. Comm'r Pat. 31, 32-33 (1887).

A petition to revive under 37 CFR 1.137(a) cannot be granted where a petition has failed to meet his burden of establishing unavoidable delay within the meaning of 37 CFR 1.137(a) and 35 U.S.C. 133. *Haines v.Quigg*, 673 F. Supp. 314, 316-17, 5 USPQ2nd 1130, 1131-32 (N.D. Ind. 1987). Therefore, since applicant has not satisfied Item (3) above, the granting of the petition under 37 CFR 1.137(a) for revival based on unavoidable delay would not be proper. The petition to revive under 37 CFR 1.137(a) for unavoidable delay is dismissed without prejudice.

RECOMMENDATION

As an alternative, applicant may request revival of the application via petition under 37 CFR 1.137(b).

Under 37 CFR 1.137(b), a petition requesting that the application be revived on the grounds of unintentional delay must be filed promptly after the date on which the application became abandoned. Such a petition under 37 CFR 1.137(b) must be accompanied by (1) a proper reply; (2) the petition fee required by law, and (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional".

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).

This recommendation to file a petition under 37 CFR 1.137(b) should not be construed as an indication as to whether or not any such petition(s) will be favorably considered.

CONCLUSION

For the reasons above, the petition to revive under 37 CFR 1.137(a) is **DISMISSED without prejudice.**

The application remains **ABANDONED**.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: (571) 272-3286
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Sureshchandra B. Patel
37 Miller Street
Toronto ON M6N 2Z6 CA CANADA

In re Application of	:
PATEL	:
Application No.: 12/310,433	: DECISION ON PETITION
PCT No.: PCT/CA2007/01537	:
Int. Filing Date: 27 August 2007	: UNDER 37 CFR 1.137(b)
Priority Date: 26 August 2006	:
Attorney Docket No.: none	:
For: SYSTEM AND METHOD OF LOADFLOW	:
CALCULATION FOR ELECTRICAL POWER SYSTEM	:

This is a decision on applicant's petition under 37 CFR 1.137(b) filed on 19 May 2011 in the United States Patent and Trademark Office (USPTO) in the above-captioned application requesting revival of the application.

BACKGROUND

The procedural history of this application was set forth in the decision mailed on 04 April 2011 and is incorporated herein by reference.

DISCUSSION

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 "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition pursuant to this paragraph was unintentional".

With respect to applicant's petition to revive, applicant satisfied Items (2) and (3) above.

Applicant has not satisfied Item (1) above. A Notification of Insufficient Fees (Form PCT/DO/EO/923) mailed on 21 July 2009 advised applicant that "additional claim fees of $195 as small entity, including any required multiple dependent claim fee, are required.

A review of the application file reveals that with the initial national stage filing on 24

February 2009, applicant filed a copy of the international application including the original 8 claims.

On 21 July 2009, a Notification of Insufficient Fees was mailed to applicant indicating that $195 in claims fees were due, based upon the claims submitted with the national stage application. Thereafter on 13 October 2010, applicant submitted a transmittal letter indicating an amendment to claims by canceling claims 3-8. This amendment does not contain a claim listing in compliance with 37 CFR 121 and is defective. Applicant's submission was ineffective to reduce the number of claims. The $195 fees for the originally filed claims are due and are the proper reply in the petition to revive. Item (1) is not satisfied. The petition to revive is dismissed without prejudice.

CONCLUSION

Applicant's petition under 37 CFR 1.137(b) to revive the application is DISMISSED without prejudice. What is required is payment of the $195 in claims fees.

Any reconsideration on the merits of the petition under 37 CFR §1.137(b) 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 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/
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Facsimile: (571) 272-0459

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PCT LEGAL ADMINISTRATION

Sureshchandra B. Patel
37 Miller Street
Toronto ON M6N 2Z6 CA CANADA

In re Application of PATEL
Application No.: 12/310,433
PCT No.: PCT/CA07/01537
Int. Filing: 27 August 2007
Priority Date: 26 August 2006
Attorney Docket No.: None
For: SYSTEM AND METHOD OF LOADFLOW CALCULATION FOR ELECTRICAL POWER SYSTEM

: DECISION ON
:
: PETITION UNDER
:
: 37 CFR 1.137(b)

The renewed petition to revive under 37 CFR 1.137(b) filed 23 September 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 $810 has been paid. The proper reply, the payment of $195 in claims fees, 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 24 February 2009.

/Cynthia M. Kratz/
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SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20120219

DATE : February 19, 2012

TO SPE OF : ART UNIT 1652

SUBJECT : Request for Certificate of Correction on Patent No.: 8,030,045

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:

/ROBERT MONDESI/
Supervisory Patent Examiner.Art Unit 1652

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BASELL USA INC.
NEWTOWN SQUARE CENTER
3801 WEST CHESTER PIKE, BLDG. B
NEWTOWN SQUARE PA 19073

MAILED

JAN 10 2011

PCT LEGAL ADMINISTRATION

In re Application of :
PELLEGATTI, et al. :
Application No.: 12/310,507 : DECISION ON PETITION
PCT No.: PCT/EP2007/058781 :
Int. Filing Date: 23 August 2007 : UNDER 37 CFR 1.181
Priority Date: 30 August 2006 :
Atty Docket No.: FE 6335 (US) :
For: 1-BUTENE PROPYLENE COPOLYMER COMPOSITIONS :

This decision is in response to applicant's "PETITION UNDER 37 CFR 1.53 TO CORRECT OFFICIAL FILING RECEIPT" filed 26 July 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 26 February 2009. No petition fee is required.

A review of the application file finds that applicant provided an executed declaration of the inventors on 07 October 2009. On 09 December 2009, applicant was mailed a "Notification of Defective Response" (Form PCT/DO/EO/916) indicating the need to provide a new, non-compiled declaration of the inventors.

On 11 January 2010, applicant filed a response which included a compliant, execute declaration of the inventors.

On 02 February 2010, 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) date and the date of completion of all 35 U.S.C. 371 as 11 January 2010. Applicant was concurrently mailed a filing receipt which listed the "filing or 371 (c) date" as "01/11/2010." Applicant seeks a correction of this date to read 26 February 2009; the date applicant initially filed papers seeking entry into the United States National stage for international application PCT/EP2007/058781.

As explained in the Manual of Patent Examining Procedure (MPEP) section 1893.03(b):

The "Application Filing Date" field formerly displayed in PAIR was changed to "Filing or 371(c) Date" to clearly indicate that for international applications that enter the national stage under 35 U.S.C. 371, the information displayed in this field is the date of receipt of the 35 U.S.C. 371(c)(1), (c)(2) and (c)(4)

requirements. Applicants are quite often confused as to the true filing date and will ask for corrected filing receipts thinking that the information thereon is wrong.

As the filing receipt correctly shows the 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date as 11 January 2010, applicant's petition under 37 CFR 1.181 is **DISMISSED**.

This application is being returned to Group Art Unit 1796.

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
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BASELL USA INC.
NEWTOWN SQUARE CENTER
3801 WEST CHESTER PIKE, BLDG. B
NEWTOWN SQUARE, PA 19073

MAILED
NOV 17 2010
PCT LEGAL ADMINISTRATION

In re Application of PELLEGATTI et al :
U.S. Application No.: 12/310,508 :
PCT Application No.: PCT/EP2007/058730 : DECISION
Int. Filing Date: 22 August 2007 :
Priority Date Claimed: 30 August 2006 :
Attorney Docket No.: FE 6334 (US) :
For: 1-BUTENE PROPYLENE COPOLYMER COMPOSITIONS :

This is in response to applicant's correspondence filed 26 July 2010, which is being treated as a petition under 37 CFR 1.181.

BACKGROUND

On 22 August 2007, applicant filed international application PCT/EP2007/058730, which claimed priority of an earlier European Patent Office application filed 30 August 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 06 March 2008. The thirty-month period for paying the basic national fee in the United States expired on 02 March 2009.

On 26 February 2009, 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 14 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 02 February 2010, the DO/EO/US mailed a Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) and an official filing receipt which indicated a "Filing or 371(c) Date" of 11 January 2010.

On 26 July 2010, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

The petition states that the "Filing or 371(c) Date" on the official filing receipt should be corrected to 26 February 2009.

MPEP 1893.03(b) states in relevant part,

> The NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495 (Form PCT/DO/EO/903), a copy of which is reproduced in MPEP § 1893.03(a), indicates the date of receipt of the 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) requirements, and it also indicates the date of completion of all 35 U.S.C. 371 requirements, which is further explained below. Filing receipts are mailed concurrently with the mailing of the Form PCT/DO/EO/903.
>
> The "Application Filing Date" field formerly displayed in PAIR was changed to "Filing or 371(c) Date" to clearly indicate that for international applications that enter the national stage under 35 U.S.C. 371, the information displayed in this field is the date of receipt of the 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements. Applicants are quite often confused as to the true filing date and will ask for corrected filing receipts thinking that the information thereon is wrong. This explanation should offer some clarity. For most legal purposes, the filing date is the PCT international filing date.

35 U.S.C 371(c)(4) sets forth the requirement for the filing of an oath or declaration. In the present case, a proper declaration was filed on 11 January 2010. The instant petition does not include any evidence that a proper oath or declaration was filed on 26 February 2009. Therefore, correction of the "Filing or 371(c) Date" is not indicated in the present case.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT

Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/310,526	02/27/2009	Jong-Ho Kim	LNK-0217-LE	4188

7590 09/29/2011

Jae Y. Park
Kile Park Goekjian Reed & McManus PLLC
1200 New Hampshire Ave. NW, Suite 570
Washington, DC 20036

EXAMINER	
LEE, KYUNG S	

ART UNIT	PAPER NUMBER
2833	

NOTIFICATION DATE	DELIVERY MODE
09/29/2011	ELECTRONIC

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

September 27, 2011

Jae Y. Park
Kile Park Goekjian Reed & McManus PLLC
1200 New Hampshire Ave. NW, Suite 570
Washington DC 20036

Re Application of
KIM, JONG-HO, ET Al
Application: **12/310526** : **DECISION ON PETITION**
Filed: **02/27/2009** : **ACCEPTANCE OF COLOR**
Attorney Docket No: **LNK-0217-LE** : **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) February 27, 2009.

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

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification 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

5 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
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Mark A Litman & Associates
York Business Center
3209 W 76th Street
Suite 205
Edina MN 55435

In re Application of	:	
PEACE, Richard	:	DECISION
Application No.: 12/310,570	:	
PCT No.: PCT/GB2007/003315	:	ON PETITION UNDER
Int. Filing Date: 04 September 2007	:	
Priority Date: 04 September 2006	:	37 CFR 1.137(b)
Docket No.: 039.001USWO	:	
For: FLOOR COVERING	:	

Applicant's Petitions For Revival Under 37 CFR 1.137(b), filed in the above-captioned application on 07 June 2010 and 09 June 2010 are **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 basic national fee 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

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Kenyon & Kenyon LLP
One Broadway
New York NY 10004

MAILED

DEC 21 2010

PCT LEGAL ADMINISTRATION

In re Application of: REINSCH et al.
U.S. Application No.: 12/310,582
PCT No.: PCT/EP2007/057056
International Filing Date: 10 July 2007
Priority Date: 31 August 2006
Attorney's Docket No.: 10191/5845
For: FILTER FOR REMOVING PARTICLES FROM A GAS STREAM AND METHOD FOR THE MANUFACTURE THEREOF

DECISION ON PETITION UNDER 37 CFR 1.182

This decision is issued in response to applicants' "Response to Notification of Defective Response" filed 12 November 2010 which is being treated as a Petition under 37 CFR 1.182, as explained below. The response (petition) seeks to change the name of the second inventor. The required $400 petition has been charged to counsel's deposit account.

BACKGROUND

On 27 February 2009, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, the payment of the basic national fee; a copy of the international application; and a preliminary amendment.

On 20 July 2010, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that the declaration in compliance with 37 CFR 1.497(a)-(b) was required. The notification set a two-month time limit in which to respond.

On 16 September 2010, applicants filed a declaration executed by: Bernd Reinsch and Christoph Saffe.

On 13 October 2010, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Defective Response (Form PCT/DO/EO/916) indicating that the declaration filed 16 September 2010 was not executed in accordance with 37 CFR 1.497(a)-(b) and does not properly identify the second inventor.

On 12 November 2010, applicants filed "Response to Notification of Defective Response" considered herein.

DISCUSSION

In the published international application, the second inventor was identified as Christoph Osemann. On the declaration filed 16 September 2010, this inventor was identified as Christoph Saffe. Section 1893.01(e) of the Manual Of Patent Examining Procedure ("MPEP") states the following:

> Where ... the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c). However, where the discrepancy between the name of the inventor indicated in the international application during the international phase and the name of the inventor as it appears in the oath or declaration submitted under 37 CFR 1.497 is the result of a typographical or transliteration error, then a petition under 37 CFR 1.182 will not be required. In such case, the Office should simply be notified of the error.

Applicants request to change the name of the second inventor from Christoph Osemann to Christoph Saffe. Accordingly, the present submission has been treated as a petition under 37 CFR 1.182 to correct the name of the second inventor. For such a petition to be grantable, MPEP §605.04(c) states that "the petition must include an appropriate petition fee and an affidavit signed with both names and setting forth the procedure whereby the change of name was effected, or a copy of the court order."

Here, applicants' submission included the requisite petition fee. As for the affidavit requirement, applicant has submitted a "Bescheinigug uber Namesanderung" (court order) regarding the name change. Petitioner attests that the inventor's surname was changed, and that his name was legally changed to Christoph Saffe as a result of a court proceeding. Therefore, item (2) has been satisfied.

CONCLUSION

Applicants' petition under 37 CFR 1.182 to change the name of record for inventor Christoph Osemann to Christoph Saffe is GRANTED.

This application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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GERALD LEVY
DAY PITNEY
7 TIMES SQUARE
NEW YORK, NY 10036

MAILED
FEB 23 2012
OFFICE OF PETITIONS

In re Application of :
Kazuyoshi Inako, et al. :
Application No.: 12/310,583 : ON PETITION
Filed: April 19, 2010 :
Attorney Docket No.: 503038.117680 :

This is a decision on the petition, filed February 22, 2012, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on January 19, 2012, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

It is noted that, while the requisite petition fee is $130, a petition fee of $400 was submitted. Accordingly, the overpayment of $270 is being refunded to counsel's deposit account.

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

The application is being referred to Technology Center AU 2614 for further processing of the request for continued examination and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/310,602	09/14/2010	Ki-Tae Kim	LGCHEM 3.3-080	7791

86765 7590 03/16/2011

LGCHEM
Lerner, David, Littenberg, Krumholz & Mentlik, LLP
600 South Avenue West
Westfield, NJ 07090

EXAMINER	
ANTHONY, JOSEPH DAVID	

ART UNIT	PAPER NUMBER
1761	

NOTIFICATION DATE	DELIVERY MODE
03/16/2011	ELECTRONIC

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

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

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

eOfficeAction@ldlkm.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CST

March 15, 2011

In re application of	:	DECISION ON REQUEST TO
Ki-Tae Kim et al	:	PARTICIPATE IN PATENT
Serial No. 12/310,602	:	PROSECUTION HIGHWAY
Filed: September 14, 2010	:	PROGRAM AND
For: HIGHLY REVERSIBLE LITHIUM	:	PETITION TO MAKE SPECIAL
INTERCALATING ELECTRODE	:	UNDER 37 CFR 1.102(a)
ACTIVE MATERIAL	:	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program, filed January 5, 2011.

The request and petition are **GRANTED**.

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

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

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

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

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

(5) Applicant must submit:

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

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

(6) Applicant must submit:

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

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

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

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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.
12/310,604	09/28/2009	Seung-Jin Yang	LGCHEM 3.3-077	8776

86765 7590 04/04/2011

LGCHEM
Lerner, David, Littenberg, Krumholz & Mentlik, LLP
600 South Avenue West
Westfield, NJ 07090

EXAMINER	
APICELLA, KARIE O	

ART UNIT	PAPER NUMBER
1726	

NOTIFICATION DATE	DELIVERY MODE
04/04/2011	ELECTRONIC

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

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

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

eOfficeAction@ldlkm.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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APR -4 2011

CST

In re application of	:	DECISION ON REQUEST TO
Seung-Jin Yang et al	:	PARTICIPATE IN PATENT
Serial No. 12/310,604	:	PROSECUTION HIGHWAY
Filed: September 28, 2009	:	PROGRAM AND
For: SECONDARY BATTERY INCLUDING	:	PETITION TO MAKE SPECIAL
ONE-WAY EXHAUST VALVE	:	UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program, filed February 9, 2011.

The request and petition are **GRANTED**.

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

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

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

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

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

(5) Applicant must submit:

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

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

(6) Applicant must submit:

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

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

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

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/310,618	06/21/2010	Mitsuhiro Ohashi	MRI-037	6881

20374 7590 08/23/2010

KUBOVCIK & KUBOVCIK
SUITE 1105
1215 SOUTH CLARK STREET
ARLINGTON, VA 22202

EXAMINER	
WALCZAK, DAVID J	
ART UNIT	PAPER NUMBER
3751	

MAIL DATE	DELIVERY MODE
08/23/2010	PAPER

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

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

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United States Patent and Trademark Office
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KUBOVCIK & KUBOVCIK
SUITE 1105
1215 SOUTH CLARK STREET
ARLINGTON VA 22202

In re Application of: OHASHI, MITSUHIRO et al Serial No.: 12/316,618 Filed: June 21, 2010 Docket: MRI-037 Title: BALL-POINT PEN TIP AND INK REFILL	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY (PPH) 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 18, 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 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.

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 Greg Huson, the SPE of Art Unit 3751, and 571-272-4887 for Class 401/214 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Petition is **granted**.

/Henry C. Yuen/

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

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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK NY 10004

MAILED

JUN 17 2011

PCT LEGAL ADMINISTRATION

In re Application of :
STEINBERGER :
Application No.: 12/310,739 :
PCT No.: PCT/EP2007/059484 :
Int. Filing Date: 10 September 2007 : DECISION
Priority Date: 21 September 2006 :
Atty. Docket No.: 10191/5829 :
For: DEVICE FOR STORING ENERGY :
AND TRANSFORMING ENERGY :

This is in response to the PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR 1.181(a) received in the U.S. Patent and Trademark Office (PTO) on 08 October 2010. The petition was accompanied by, *inter alia,* copies of papers allegedly filed 19 November 2009, and a copy of an electronic acknowledgement receipt. The petition is **GRANTED** as discussed below.

A review of the application file reveals that applicant has provided sufficient evidence to establish that, *inter alia,* a proper response was timely filed on 19 November 2009. The proof is in the form of the copy of the electronic acknowledgement receipt for the present application which indicates that a declaration and late fee were filed electronically in the USPTO on 19 November 2009. Applicant's statement that the papers submitted with the present renewed petition are "another copy of the original Response to Missing Requirements filed on 19 November 2009" is being construed as a statement that the copies of the papers as submitted with the present petition are a "true copy" of the papers originally filed 19 November 2009. If this is an incorrect interpretation of applicant's statement then applicant must immediately notify the Office of such in response to this decision. Further, a review of USPTO finance records indicates that the requisite fee for late submission of the declaration was, in fact, received on 19 November 2009. Therefore, in view of the acknowledgement receipt, counsel's statement in the present petition, and the USPTO financial records, the declaration may properly be accepted as having been originally filed on 19 November 2009 and the petition may be properly granted.

The NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) mailed 10 September 2010, is hereby **VACATED**, and the holding of abandonment is hereby **WITHDRAWN**.

The application has an international filing date of 10 September 2007, under 35 U.S.C. 363, and a 35 U.S.C. 371 date of **19 November 2009**.

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

27 AUG 2010

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Edwards Vacuum, Inc.
2041 Mission College Boulevard
Suite 260
Santa Clara, CA 95054

In re Application of :
GRANT, Robert Bruce :
Application No.: 12/310,742 : DECISION ON PETITION
PCT No.: PCT/GB2007/050465 : UNDER 37 CFR 1.137(b)
Int. Filing Date: 02 August 2007 :
Priority Date: 06 September 2006 :
Attorney Docket No.: M06B172 :
For: METHOD OF PUMPING GAS :

The petition to revive under 37 CFR 1.137(b) filed 12 August 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 response (oath/declaration) 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
Telephone: (571) 272-3298

UNITED STATES PATENT AND TRADEMARK OFFICE

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Washington, D.C. 20231
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MAILED
26 OCT 2010
PCT LEGAL ADMINISTRATION

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

In re Application of :
HUBER, et al. : DECISION ON PETITION
Serial No.: 12/310,777 :
PCT No.: PCT/EP2007/059255 : UNDER 37 CFR 1.47(a)
Int. Filing Date: 04 September 2007 :
Priority Date: 06 September 2006 :
Atty Docket No.: 2080.1272 :
For: METHOD FOR RECOVERING CONNECTIVITY : IN THE EVENT OF A FAILURE IN A RADIO : COMMUNICATIONS SYSTEM AND : CONTROLLING NODE THEREOF :

This decision is in response to applicant's renewed petition under 37 CFR 1.47(a) filed 30 August 2010 in the United States Patent and Trademark Office (USPTO) to accept the application without the signature of inventor Alois Huber.

BACKGROUND

On 30 April 2010, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47(a). Applicant was afforded two months to file any request for reconsideration.

On 30 August 2010, applicant filed the present renewed petition under 37 CFR 1.47(a) accompanied by a petition for a two-month extension of time and payment of the appropriate extension of time fee. The response is timely filed.

DISCUSSION

As detailed in the decision mailed 30 April 2010, a petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant previously satisfied items 1, 3 and 4.

With the filing of the renewed petition and supporting exhibits, applicant has satisfied the remaining item showing that applicant mailed of a complete set of application papers to the inventor and has yet to receive a response. The inventor's silence constitutes a refusal under 37

CFR 1.47(a). As such, it is proper to grant applicant's renewed petition at this time.

CONCLUSION

For the reasons discussed above, applicant's renewed petition under 37 CFR 1.47(a) is **GRANTED**.

The application has an international filing date of 04 September 2007 under 35 U.S.C. 363, and will be given a date of **06 April 2010** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the non-signing inventors at their last known addresses of record. A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the DO/EO/US for processing in accordance with this decision.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Mr. Alois Huber
Schlachthausgasse 30/4/5
1030 Wien
AUSTRIA

MAILED

OCT 26 2010

PCT LEGAL ADMINISTRATION

In re Application of
HUBER, et al.
Serial No.: 12/310,777
PCT No.: PCT/EP2007/059255
Int. Filing Date: 04 September 2007
Priority Date: 06 September 2006
Atty Docket No.: 2080.1272
For: METHOD FOR RECOVERING CONNECTIVITY IN THE EVENT OF A FAILURE IN A RADIO COMMUNICATIONS SYSTEM AND CONTROLLING NODE THEREOF

Dear Mr. Huber:

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:
STAAS & HALSEY LLP
Suite 700
1201 New York Avenue, N.w.
Washington DC 20005
United States of America

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE

Patent No. 7,987,907
Patented: August 2, 2011

On petition requesting issuance of a certificate for correction of inventorship pursuant to 35 U.S.C. 256, it has been found that the above-identified patent, through error and without deceptive intent, improperly sets forth the inventorship. Accordingly, it is hereby certified that the correct inventorship of this patent is:

Ian Collins of Middlesex, GB; Gary Jerauld of Houston, Texas; Arnaud Lager of Anchorage, Alaska; Patrick Lee McGuire of Eagle River, Alaska; and Kevin Webb of Worthing, GB.

/Shane Bomar/
Supervisory Patent Examiner
Art Unit 3676
Technology Center 3600

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.
12/310,827	04/27/2010	Sam Ajmera	545P014	8138

42754 7590 01/31/2011

Nields, Lemack & Frame, LLC
176 E. Main Street
Suite #5
Westborough, MA 01581

EXAMINER	
ART UNIT	PAPER NUMBER
1781	

MAIL DATE	DELIVERY MODE
01/31/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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January 31, 2011 BC

In re application of	:	DECISION ON REQUEST TO
Sam Ajmera et al.	:	PARTICIPATE IN PATENT
Serial No. 12/310,827	:	PROSECUTION HIGHWAY
Filed: March 09, 2009	:	PROGRAM AND
For: SYSTEM AND METHOD FOR PREPARING NAAN BREAD	:	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) to make the above-identified application special filed January 13, 2011.

The request and petition are **GRANTED**.

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

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

(2) Applicant must submit a copy of:
a. The allowable/patentable claim(s) from the CIPO application(s);
b. An English translation of the allowable/ patentable claim(s), if applicable; and
c. A statement that the English translation is accurate, if applicable;

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

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

(5) Applicant must submit:
a. Documentation of prior office actions, including a copy of all the office actions (which are relevant to patentability) from each of the CA application(s) containing the allowable/patentable claims that a re the basis for the request.
b. An English language translation of the CIPO Office action from (5)(a) above if applicable; and

(6) Applicant must submit:

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

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

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

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

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

/Blaine Copenheaver/

_____

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

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ALEXANDRIA, VA 22313-1450
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Charles W. Westby
P.O. Box 89222
Nuiqsut AK 99789

MAILED
DEC 16 2010
PCT LEGAL ADMINISTRATION

In re Application of WESTBY :
U.S. Application No.: 12/310,858 :
PCT Application No.: PCT/US2006/043701 :
Int. Filing Date: 08 November 2006 : DECISION
For: REUSEABLE CROSS TIE SYSTEM AND :
ARRANGEMENTS FOR CONCRETE FORMS :

This is in response to applicant's petition under 37 CFR 1.137(b)" filed 15 November 2010.

BACKGROUND

On 08 November 2006, applicant filed international application PCT/US2006/043701. The thirty-month period for paying the basic national fee in the United States expired on **Error! Reference source not found.**.

On 10 March 2009, 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 09 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 10 November 2009, the present application became abandoned as to the United States for failure to timely respond to the Notification of Missing Requirements.

On 15 November 2010, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

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), the petition states, "The entire delay in filing a response to the Notification of Missing Requirements until the filing of this grantable petition under 37 CFR 1.137(b) was unintentional." This statement is interpreted as 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 under 37 CFR 1.137(b) was unintentional. If this is an incorrect interpretation in view of the rules, petitioner is required to provide a statement to that effect.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 08 November 2006, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 15 November 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
PCT Legal Examiner
PCT Legal Office

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/310,861	12/29/2009	Sungjong Kim	LGCHEM 3.3-086	1267

86765 7590 08/10/2011

LGCHEM
Lerner, David, Littenberg, Krumholz & Mentlik, LLP
600 South Avenue West
Westfield, NJ 07090

EXAMINER	
MARTIN, ANGELA J	
ART UNIT	PAPER NUMBER
1727	

NOTIFICATION DATE	DELIVERY MODE
08/10/2011	ELECTRONIC

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

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

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

eOfficeAction@ldlkm.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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August 9, 2011 EL

In re application of	:	DECISION ON REQUEST TO
Kim et al.	:	PARTICIPATE IN PATENT
Serial No. 12/310,861	:	PROSECUTION HIGHWAY
Filed: December 29, 2009	:	PILOT PROGRAM AND
For: **CYLINDRICAL SECONDARY BATTERY OF IMPROVED SAFETY**	:	PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request for reconsideration to participate in the Patent Prosecution Highway (PPH) program filed June 16, 2011.

The request and petition are **GRANTED**.

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

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

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the KIPO application(s);
   b. An English translation of the allowable/ patentable claim(s); and
   c. A statement that the English translation is accurate;

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

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

(5) Applicant must submit a copy of:
   a. All of the Office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) that are the basis for the request;
   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 Emily M. Le, Supervisory Patent Examiner at (571) 272-0903.

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.

/Emily M. Le/

Emily M. Le
Supervisory Patent Examiner
Technology Center 1700

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 09/12/11

TO SPE OF : ART UNIT 1729

SUBJECT : Request for Certificate of Correction for Appl. No.: 12310871 Patent No.: 7713655

CofC mailroom date: 08/24/11

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580
You can fax the Directors/SPE response to 571-273-3421

Note: Should the changes in the claims be approved?

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

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

- [X] **Approved** — **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

Ula Ruddock 1729

SPE Art Unit

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/310,875	11/19/2009	Jin Woong Ha	LGCHEM 3.3-082	1292

86765 7590 07/06/2011

LGCHEM
Lerner, David, Littenberg, Krumholz & Mentlik, LLP
600 South Avenue West
Westfield, NJ 07090

EXAMINER	
ASSOUAD, PATRICK J	

ART UNIT	PAPER NUMBER
2858	

NOTIFICATION DATE	DELIVERY MODE
07/06/2011	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):

eOfficeAction@ldlkm.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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LGCHEM
Lerner, David, Littenberg, Krumholz & Mentlik, LLP
600 South Avenue West
Westfield NJ 07090

In re Application of	**: DECISION ON REQUEST TO**
HA et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/310,875	**: PROSECUTION HIGHWAY**
Filed: 19 November 2009	**: PROGRAM AND PETITION**
Attorney Docket No.: LGCHEM 3.3-082	**: TO MAKE SPECIAL UNDER**
For: CONTROL METHOD OF BATTERY-SYSTEM FOR IMPROVING SAFETY	**: 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 June 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application is

   a. a Paris Convention application which either
      i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or
      ii. validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims,

   or

   b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
      i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
      ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
      iii. contains no priority claim,

   or

   c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application

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

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the KR application(s);
   b. An English translation of the allowable/patentable claim(s), and
   c. A statement that the English translation is accurate (if the claims were published in a language other than English);
3. Applicant must:
   a. Ensure that all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KR application(s), and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
   b. An English language translation of the KIPO office action; and
   c. A statement that the English translation is accurate (if the office actions are not in the English language);
6. Applicant must submit:
   a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and
   b. Copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application);

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

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

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

Lee W. Young
TQAS
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

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

PTO/SB/23/PCT-EP (08-10)
Approved for use through 01/31/2012. OMB 0651-0068
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:	12/310,885	Filing date:	March 11, 2009
First Named Inventor:	Michael HELD		
Title of the Invention:	FOLDING DEVICE WITH A FOLDING BLADE CYLINDER AND A FOLDING JAW CYLINDER		

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/ESC/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/EP2007/058597

The international date of the corresponding PCT application(s) is/are: August 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(a). The information is required to obtain or retain a benefit by the public, which is to be used by the USPTO to process an application. Confidentiality is 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.:	12/310,885
First Named Inventor	Michael HELD

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

☐ is attached

☑ Has already been filed in the above-identified U.S. application on March 11, 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 March 11, 2009

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
45 - 47	1 - 3	direct correspondence
48	4	U.S. claim amended to remove multiple dependency
49, 50	5, 6	direct correspondence
51 - 53	7 - 9	U.S. claim amended to remove multiple dependency
54	10	direct correspondence
55 - 58	11 - 14	U.S. claim amended to remove multiple dependency
59	15	direct correspondence
60	16	U.S. claim amended to remove multiple dependency
61	17	direct correspondence
62	18	U.S. claim amended to remove multiple dependency
63 - 67	19 - 23	direct correspondence

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

Signature	Date October 6, 2010
Name (Print/Type) Douglas R. Hanscom	Registration Number 28600

KARIN T. DUNN

GERMAN TRANSLATION AND LANGUAGE SERVICES
Certified by the American Translators Association

4706 OLDE FORGE CT., FAIRFAX, VA 22032
TELEPHONE: 703-426-1422 · FAX: 703-426-2772 · DUNN6FAM@MSN.COM

Date: February 21, 2009

DECLARATION

The undersigned, Karin T. Dunn, hereby states that she is well acquainted with both the English and German languages and that the attached is a true translation to the best of her knowledge and ability of the German text of PCT/EP2007/058597, filed on 8/20/2007 and published on 3/20/2008 under No. WO 2008/031690 A1.

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

Karin T. Dunn

Translation of the pertinent portions of a **Notification of the Transmittal of the International Search Report and the Written Opinion of the International Search Authority or the Declaration (Rule 44.1 PCT)**, mailed on 11/30/2007

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. The report comprises a total of 3 pages. Copies of each prior art document cited in this report are also enclosed.

1. **Basis of the Report**
   With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed

4. With regard to the **Title of the Invention**:

   The wording has been determined as submitted by the applicant

5. With regard to the **Abstract**:

   The wording has been determined as submitted by the applicant.

6. With regard to the **Drawings**:

   a. Figure 2 is to be published with the abstract as selected by the Authority, as the applicant failed to suggest a drawing.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (Rule 43*bis*.1 PCT)

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

Box I Basis of the opinion

Box III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

Box V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Box No. I Basis of the Opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed

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

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

Claims Nos. 2, 3, 22

because:

the description, claims or drawings or said claims Nos. 2, 3, 22 are so unclear that no meaningful opinion could be formed:

See Supplemental Box for further details.

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

1. Statement

Novelty	Yes:	Claims 1, 4-21, 23
	No:	Claims
Inventive Step	Yes:	Claims 1, 4-21, 23
	No:	Claims
Industrial Applicability	Yes:	Claims 1-23
	No:	Claims:

2. Citations and Explanations
See attached sheet

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (SUPPLEMENTARY TEXT)

Reference is made to the following document:

D1: GB-A-2 288 167

Re Item III

Claims 2, 3 and 22

It is clear from the application that, according to the invention, the productivity of the folding apparatus can be increased by adjusting the relative positions of the holding devices of the cylinder and of the folding blades of the collect cylinder, or the folding jaw of the folding jaw cylinder.

However, Claim 2 refers only to the distance between a holding device of the folding jaw cylinder and a folding jaw of the folding jaw cylinder that follows behind it. No statement is made with regard to any position relative to the collect cylinder. Thus it is unclear to the examiner how the object of Claim 2 can represent a solution to the problem of productivity increase.

Re Item V

Claim 1

Document D1, which is considered the closest prior art, discloses a folding apparatus in accordance with the preamble to Claim 1. The object of Claim 1 differs from the folding apparatus of D1 in that the distance between two holding devices of the folding jaw cylinder is smaller than the maximum distance between a holding device of the folding blade cylinder and a folding blade that follows behind it.

The present application therefore appears to fulfill the requirements of Article 33(2) PCT, because the object of Claim 1 is novel.

The object of the invention is to increase the productivity of a generic folding unit.

The solution provided in the characterizing portion of Claim 1 is neither known from nor suggested by the prior art. In the fold production mode, the characteristic features ensure that the holding devices will not damage the products as said devices pass through the transfer gap. Thus the intermediate space between successive products on the collecting cylinder does not need to be greater than is necessary for the proper functioning of the holding devices. Productivity is thereby increased.

The present application therefore appears to fulfill the requirements of Article 33(3) PCT, because the object of Claim 1 is inventive.

Claims 4-21 and 23

The claims that are dependent upon Claim 1 relate only to special embodiments of the invention which, in combination with the aforementioned independent Claim 1, also fulfill the criteria of Articles 33(2) and 33(3).

Claims

1. Folding apparatus with a folding blade cylinder (11) and a folding jaw cylinder (16), wherein the folding jaw cylinder (16) and the folding blade cylinder (11) are each equipped with a plurality of holding devices (17; 12) in the circumferential direction, wherein the holding devices (17; 12) can be moved between a released position, for receiving and releasing a leading edge of a product, and a holding position, in which the leading edge is held on the holding device (17; 12), wherein the folding jaw cylinder (16) also has a folding jaw (19) for each of its holding devices (17), and the folding blade cylinder (11) has a folding blade (18) for each of its holding devices (12) for the purpose of pressing a product that is being held by the holding device (12) allocated to the folding blade (18) into one of the folding jaws (19) as it passes through a transfer gap (14) between folding blade cylinder (11) and folding jaw cylinder (16), and wherein the distance between each folding blade (18) and its allocated holding device (12) on the folding blade cylinder (11) can be adjusted, wherein the distance between a holding device (17) of the folding jaw cylinder (16) and a folding jaw (19) that follows behind this holding device (17) on the circumference of the folding jaw cylinder (16) is fixed, characterized in that the distance between a holding device (17) of the folding jaw cylinder (16) and a folding jaw (19) that follows behind this holding device (17) on the circumference of the folding jaw cylinder (16) is smaller than the maximum distance between one of the holding devices (12) on the circumference of the folding blade cylinder (11) and the folding blade (18) that follows behind this holding device (12).

2. Folding apparatus with a folding blade cylinder (11) and a folding jaw cylinder (16), wherein the folding jaw cylinder (16) and the folding blade cylinder (11) are each equipped with a plurality of holding devices (17; 12) in the circumferential direction,

wherein the holding devices (17; 12) can be moved between a released position, for receiving and releasing a leading edge of a product, and a holding position, in which the leading edge is held on the holding device (17; 12), wherein the folding jaw cylinder (16) also has a folding jaw (19) for each of its holding devices (17), and the folding blade cylinder (11) has a folding blade (18) for each of its holding devices (12) for the purpose of pressing a product that is being held by the holding device (12) allocated to the folding blade (18) into one of the folding jaws (19) as it passes through a transfer gap (14) between folding blade cylinder (11) and folding jaw cylinder (16), and wherein the distance between each folding blade (18) and the allocated holding device (12) on the folding blade cylinder (11) can be adjusted, wherein the distance between a holding device (17) of the folding jaw cylinder (16) and a folding jaw (19) that follows behind this holding device (17) on the circumference of the folding jaw cylinder (16) is fixed, characterized in that a distance between a holding device (17) of the folding jaw cylinder (16) and a folding jaw (19) that follows behind this holding device (17) on the circumference of the folding jaw cylinder (16) is smaller than 20°.

3. Folding apparatus in accordance with Claim 2, characterized in that a distance between a holding device (17) of the folding jaw cylinder (16) and a folding jaw (19) that follows behind this holding device (17) on the circumference of the folding jaw cylinder (16) is smaller than 15° ± 2.5°.

4. Folding apparatus in accordance with Claim 1 or 2, characterized in that a cutting unit (02) is provided for dividing a web of material (01) into individual products.

5. Folding apparatus in accordance with Claim 4, characterized in that a conveyor belt

device (07) is arranged between the cutting unit (02) and the folding blade cylinder (11) for the purpose of accelerating the products.

6. Folding apparatus in accordance with Claim 4, characterized in that the peripheral speed of the folding blade cylinder (11) is linked to the speed of the material web (01) in the cutting unit (02).

7. Folding apparatus in accordance with Claim 1 or 2, characterized in that the folding jaws (19) are arranged so as to open and close in all production modes.

8. Folding apparatus in accordance with Claim 1 or 2, characterized in that the folding jaws (19) are arranged so that they cannot be deactivated.

9. Folding apparatus in accordance with Claim 1 or 2, characterized in that an intermediate space no more than 30 mm in width is provided between successive products held on the folding blade cylinder (11).

10. Folding apparatus in accordance with Claim 9, characterized in that the intermediate space is at least 20 mm in width.

11. Folding apparatus in accordance with Claim 1 or 2, characterized in that in a first production mode the holding devices (17) of the folding jaw cylinder (16) are arranged so as to pass through the transfer gap (14) between folding blade cylinder (11) and folding jaw cylinder (16) in the holding position.

12. Folding apparatus in accordance with Claim 1 or 2, characterized in that a first production mode is a fold production mode, which transfers the products from the folding blades (18) to the folding jaws (19).

13. Folding apparatus in accordance with Claim 1 or 2, characterized in that in a second production mode the holding devices (12) of the folding blade cylinder (11) are arranged so as to transfer the products, unfolded, to the holding devices (17) of the folding jaw cylinder (16).

14. Folding apparatus in accordance with Claim 12 or 13, characterized in that the movement of the holding devices (17) of the folding jaw cylinder (16) is controlled by a cam disk (24), which has a recess (26) that corresponds to the released position, and in that in the first production mode the holding devices (17) of the folding jaw cylinder (16) are prevented from tracing said recess (26).

15. Folding apparatus in accordance with Claim 14, characterized in that a cover disk (29) for covering the recess (26) is arranged coaxially and rotatably in relation to the cam disk (24).

16. Folding apparatus in accordance with Claim 1 or 2, characterized in that the folding blade cylinder (11) is embodied as a collecting cylinder (11).

17. Folding apparatus in accordance with Claim 11, characterized in that the first production mode is single collect production.

18. Folding apparatus in accordance with Claim 11 or 12, characterized in that a third production mode is double collect production.

19. Folding apparatus in accordance with Claim 18, characterized in that in double collect production the products, downstream of a cutting unit (02), each correspond to the length of one-third of a circumference of a forme cylinder of a printing couple arranged upstream of the folding apparatus.

20. Folding apparatus in accordance with Claim 17, characterized in that in single collect production, the products, downstream of a cutting unit (02), each correspond to a length of one-half the circumference of a forme cylinder of a printing couple arranged upstream of the folding apparatus.

21. Folding apparatus in accordance with Claim 12, characterized in that in the first production mode, i.e., cross-fold production, in which the products are transferred from the folding blades (18) to the folding jaws (19), a distance of the holding device (17) allocated to the folding jaw (19) is equal to or smaller than a distance of the holding device (12) allocated to the folding blade (18).

22. Folding apparatus in accordance with Claim 2, characterized in that the distance between a holding device (17) of the folding jaw cylinder (16) and a folding jaw (19) that follows behind this holding device (17) on the circumference of the folding jaw cylinder (16) is smaller than the maximum distance between one of the holding devices (12) on the circumference of the folding blade cylinder (11) and the folding blade (18) that follows behind this holding device (12).

23. Folding apparatus in accordance with Claim 1, characterized in that that a distance between a holding device (17) of the folding jaw cylinder (16) and a folding jaw (19) that follows behind this holding device (17) on the circumference of the folding jaw cylinder (16) is smaller than 20°.

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.
12/310,885	03/11/2009	Michael Held	W1.2717 PCT-US	6157

23294 7590 10/07/2010
JONES, TULLAR & COOPER, P.C.
P.O. BOX 2266 EADS STATION
ARLINGTON, VA 22202

EXAMINER	
DESAI, HEMANT	

ART UNIT	PAPER NUMBER
3721	

MAIL DATE	DELIVERY MODE
10/07/2010	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

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

In re Application of	:
HELD, MICHAEL et al	: DECISION ON REQUEST TO
Application No. 12/310,885	: PARTICIPATE IN PATENT
Filed: March 11, 2009	:PROSECUTION HIGHWAY
Attorney Docket No. W1.2717 PCT-US	: PILOT PROGRAM AND PETITION
For: FOLDING DEVICE WITH A FOLDING BLADE CYLINDER AND A FOLDING JAW CYLINDER	: 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 6, 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 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.

With regard to Item #3, the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claims in the EPO/PCT application. The Claims Correspondence Table in the petition is deficient. Current US application contains two independent claims (a total of 23 claims) which are not sufficiently corresponding to allowable claims 1, 4-21 and 23 of EPO/PCT search opinion. It must be noted the newly independent claim 46 and dependent claims 47 and 66 contain different scopes from the original allowed claims 1, 4-21 and 23 of EPO/PCT search opinion. In particular, the search opinion indicates that claims 2, 3 and 22 were not searched and contains negative remarks. Thus, Item #3 is not satisfied and for this reason the petition can not be granted. Those extra claims 46, 47 and 66 must be cancelled.

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 entry of RCE papers and amendment 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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	)	
	)	
Michael HELD et al.	)	Confirmation No.: 6157
	)	
Application No. : 12/310,885	)	Group Art Unit: 3721
	)	
Filed: March 11, 2009	)	Examiner: TBD
	)	
For: FOLDING DEVICE WITH A FOLDING BLADE CYLINDER AND A FOLDING JAW CYLINDER	)	

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

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

Sir:

In response to the dismissal of the Request for Participation filed October 6, 2010, in the subject U.S. patent application, a Third Preliminary Amendment is being filed concurrently herewith. By that Third Preliminary Amendment, claims 46, 47 and 66, which were indicated as not corresponding to ones of the allowable PCT claims, have been cancelled. It is believed that all of the claims pending in the U.S. patent application, after entry of the concurrently submitted Third Preliminary Amendment, sufficiently correspond with the allowable PCT claims to warrant granting of the Request for Participation.

A revised Claims Correspondence table is submitted herewith. Favorable action on this Request for Reconsideration is respectfully requested.

Respectfully Submitted,

Michael HELD et al.
Applicants

JONES, TULLAR & COOPER, P.C.
Attorneys for Applicants

Douglas R. Hanscom
Reg. No. 26,600

October 14, 2010

JONES, TULLAR & COOPER, P.C.
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E-mail: mail@jonestullarcooper.com
Attorney Docket: W1.2717 PCT-US

REVISED 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.	12/310,885
First Named Inventor	Michael HELD

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

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on March 11, 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 March 11, 2009

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
45	1	direct correspondence
48	4	U.S. claim amended to remove multiple dependency
49, 50	5, 6	direct correspondence
51 - 53	7 - 9	U.S. claim amended to remove multiple dependency
54	10	direct correspondence
55 - 58	11 - 14	U.S. claim amended to remove multiple dependency
59	15	direct correspondence
60	16	U.S. claim amended to remove multiple dependency
61	17	direct correspondence
62	18	U.S. claim amended to remove multiple dependency
63 - 66	19 - 21	direct correspondence
67	23	direct correspondence

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

Signature	Date October 14, 2010
Name (Print/Typed) Douglas R. Hanscom	Registration Number 28600

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/310,885	03/11/2009	Michael Held	W1.2717 PCT-US	6157

23294 7590 10/18/2010

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

EXAMINER	
DESAI, HEMANT	
ART UNIT	PAPER NUMBER
3721	
MAIL DATE	DELIVERY MODE
10/18/2010	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

In re Application of	:
HELD, MICHAEL et al	: DECISION ON REQUEST TO
Application No. 12/310,885	: PARTICIPATE IN PATENT
Filed: March 11, 2009	:PROSECUTION HIGHWAY
Attorney Docket No. W1.2717 PCT-US	: PILOT PROGRAM AND PETITION
For: FOLDING DEVICE WITH A FOLDING BLADE CYLINDER AND A FOLDING JAW CYLINDER	: TO MAKE SPECIAL UNDER : 37 CFR 1.102(d)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed October 7, 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 Rinaldi Rada, the SPE of Art Unit 3721, and (571)272-4467 for Class 493/454 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,
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571-272-4856

UNITED STATES PATENT AND TRADEMARK OFFICE

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PILLSBURY WINTHROP SHAW PITTMAN LLP (CV)
ATTENTION: DOCKETING DEPARTMENT
P.O BOX 10500
McLean VA 22102

MAILED
NOV 07 2011
PCT LEGAL ADMINISTRATION

In re Application of :
PILARSKI, Linda, et al. :
Application No.: 12/310,900 :
PCT No.: PCT/CA2007/001641 :
Int. Filing Date: 17 September 2007 : DECISION
Priority Date: 15 September 2006 :
Att. Docket No.: 098810-0398902 :
For: CELL ANALYSIS ON MICROFLUIDIC CHIPS :

Applicant's petition under 37 CFR 1.137(b), filed in the United States Patent and Trademark Office on 12 September 2011, is **GRANTED**.

Applicant states that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The appropriate national fee and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

This application is being referred to the National Stage Processing Branch of the Office of Patent Application Processing for continued processing in accordance with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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.
12/310,910	03/12/2009	Kuniteru Mihara	KC-1024	5750

77319 7590 10/20/2010

Kubotera & Associates, LLC
200 Daingerfield Rd
Suite 202
Alexandria, VA 22314

EXAMINER	
IP, SIKYIN	

ART UNIT	PAPER NUMBER
1735	

MAIL DATE	DELIVERY MODE
10/20/2010	PAPER

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

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

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Alexandria, VA 22313-1450
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October 20, 2010 CST

In re application of	:	DECISION ON REQUEST TO
Kuniteru Mihara et al	:	PARTICIPATE IN PATENT
Serial No. 12/310,910	:	PROSECUTION HIGHWAY
Filed: March 12, 2009	:	PROGRAM AND
For: COPPER ALLOY STRIP MATERIAL FOR ELECTRICAL/ELECTRONIC EQUIPMENT AND PROCESS FOR PRODUCING THE SAME	:	PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed August 18, 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 JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

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

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

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

(5) Applicant must submit:

a. Documentation of prior office action:
   i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
   ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
   iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form:
   Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; 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 submitted in this application)
b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

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

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

Claim 1 of JP application 2007-236003 includes the limitations that "(b) the horizontal length X (μm) . . . . satisfy an expression [x/y≥2]" and "(c) the dispersion density a of the intermetallic compound A . . . [0.001 ≤ (b/c) ≤ 0.10]" wherein these limitations are not found in present claim 1. Similarly, claim 3 of the JP application includes the limitations "whereby obtaining copper alloy strip material: (a) having three types of intermetallic compounds A, B and C . . . . to less than 0.05 μm"; "(b) the horizontal length X (μm) . . . . satisfy an expression [x/y≥2]" and "(c) the dispersion density a of the intermetallic compound A . . . [0.001 ≤ (b/c) ≤ 0.10]", wherein none of these limitations are found in present claim 6.

(6) Applicant must submit:

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

None of the references cited in the Reason for Rejection from the JPO in JPO application 2007-236003 have been listed in an IDS nor have copies of these references been provided. These include JP-A-2005-307223; JP-A-10-219374; JP-A-2006-233314; JP-A-279825 and JP-A-10-265874.

It is further noted, that the coversheet for the PPH request requests participation in the PCT – PPH Pilot program between the JPO and the USPTO, however the claims submitted were actually indicated as allowable by the JPO (rather than during the PCT) and that the prior office action submitted was actually from the JPO (rather than the international work product). Accordingly, this request has been treated as a request for participation in the PPH program between the JPO and the USPTO.

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

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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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.
12/310,910	03/12/2009	Kuniteru Mihara	KC-1024	5750

77319 7590 12/23/2010

Kubotera & Associates, LLC
200 Daingerfield Rd
Suite 202
Alexandria, VA 22314

EXAMINER	
IP, SIKYIN	
ART UNIT	PAPER NUMBER
1735	
MAIL DATE	DELIVERY MODE
12/23/2010	PAPER

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

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

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DEC 23 2010

CST

In re application of Kuniteru Mihara et al Serial No. 12/310,910 Filed: March 12, 2009 For: COPPER ALLOY STRIP MATERIAL FOR ELECTRICAL/ELECTRONIC EQUIPMENT AND PROCESS FOR PRODUCING THE SAME	: : : : : : : :	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 supplemental request to participate in the Patent Prosecution Highway (PPH) program filed November 4, 2010.

The request and petition are **GRANTED**.

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

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

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

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

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

(5) Applicant must submit:
a. Documentation of prior office action:
i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form:
Further, if a copy of the documents from a or b is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and
c. A statement that the English translation is accurate; and

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

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

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

Any inquiry regarding this decision should be directed to 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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KRIEGSMAN & KRIEGSMAN
30 TURNPIKE ROAD, SUITE 9
SOUTHBOROUGH MA 01772

MAILED

JAN 26 2012

OFFICE OF PETITIONS

In re Application of :
Dohmann, et al. :
Application No. 12/310,936 : DECISION
Filed/Deposited: 13 August, 2009 :
Attorney Docket No. 82882 :

This is a decision on the papers filed on 28 December, 2011, considered as a petition pursuant to 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition pursuant to 37 C.F.R. §1.181 is **GRANTED**.

As to the Request to Withdraw
the Holding of Abandonment

Petitioners always are directed to the Commentary at MPEP §711.03(c)(I) for guidance as to the proper showing requirements for relief pursuant to 37 C.F.R. §1.181.

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the non-final Office action mailed on 23 May, 2011, with reply due absent extension of time on or before 23 August, 2011.

The application went abandoned by operation of law after midnight 23 August, 2011.

The Office mailed the Notice of Abandonment on 30 November, 2011.

On 28 December, 2011, Petitioner filed (over a 23 November, 2011, certificate of mailing), *inter alia*, a petition pursuant to 37 C.F.R. §1.181, with an averment of timely filing, and in lieu of the

(absent) receipt card Petitioner's averment of timely filing with a copy of the papers (request and fee for extension of time and a reply in the form of an amendment, all over a 23 November, 2011, certificate of mailing), and pointed to papers now of record in the form and substance of that averred Thus, Petitioner sought to make the showing required as set forth in the guidance in the Commentary at MPEP §711.03(c)(I).

The guidance in the Commentary at MPEP §711.03(c)(I) provides in pertinent part as to nonreceipt:

***

> The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
>
> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.
>
> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.[1]

***

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (*see*: 37 C.F.R. §1.181(f)), and those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations

[1] *See*: MPEP §711.03(c) (I)(A).

made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[2]

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

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994). And the regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application.[3],[4]

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

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[2] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §11.18 (formerly 37 C.F.R. §10.18) to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

[3] See: Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. at 53158-59 (October 10, 1997), 1203 Off. Gaz. Pat. Office at 86-87 (October 21, 1997).

[4] The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition. (Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.) Delays in responding properly raise the question whether delays are unavoidable. Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) And the Petitioner must be diligent in attending to the matter. Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care. (By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.))

> and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.[5]

Allegations as to the Request to Withdraw the Holding of Abandonment

The guidance in the Commentary at MPEP §711.03(c)(I) specifies the showing required and how it is to be made and supported.

Petitioner appears to have made the showing required.

CONCLUSION

Accordingly, the petition as considered pursuant to 37 C.F.R. §1.181 is **granted**, and the 30 November, 2011, Notice of Abandonment hereby is **vacated**.

The instant application is released to the Technology Center/AU 2876 for further processing in due course.

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

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[5] In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[6]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

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

§1.2 Business to be transacted in writing.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/311,015	03/17/2009	Shinji Ichikawa	140983	6074

25944 7590 03/02/2011

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

EXAMINER	
FLEMING, FRITZ M	
ART UNIT	PAPER NUMBER
2836	

NOTIFICATION DATE	DELIVERY MODE
03/02/2011	ELECTRONIC

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

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

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

OfficeAction25944@oliff.com
jarmstrong@oliff.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

In re Application of	**: DECISION ON REQUEST TO**
Shinji ICHIKAWA	**: PARTICIPATE IN THE PATENT**
Application No.: 12/311,015	**: PROSECUTION HIGHWAY**
Filed: 17 March 2009	**: PROGRAM AND PETITION**
Attorney Docket No.: 140983	**: TO MAKE SPECIAL UNDER**
For: POWER SUPPLY SYSTEM, VEHICLE WITH THE SAME ...	**: 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 03 February 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application is
    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim;
2. Applicant must submit a copy of:

a. The allowable/patentable claim(s) from the JPO application(s);
b. An English translation of the allowable/patentable claim(s) and
c. A statement that the English translation is accurate;

3. Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
      ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
   c. A statement that the English translation is accurate;
6. Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

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

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

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

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS, Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

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 March 28, 2012

In re Application of Shay Har-Noy

Application No. 12311036

Filed: 16-Mar-2009

Attorney Docket No. PU060201

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), March 28, 2012 , to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the outstanding Office communication. The date of abandonment is the day after the last day of the period set for reply in the Office action plus any applicable extensions of time properly requested.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of aresponse; (2) the petition fee as set forth in 37 CFR 1.17 (m); and (3) the required statement of unintentional delay have been received. Accordingly, the response is accepted as having been unintentionally delayed.

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

This application file is being directed to the Technology Center.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web	PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**
Application Number	12311036
Filing Date	16-Mar-2009
First Named Inventor	Shay Har-Noy
Attorney Docket Number	PU060201
Title	Method and apparatus for video coding using prediction data refinement

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	/Guy H. Eriksen/
Name	Guy H. Eriksen
Registration Number	41736

UNITED STATES PATENT AND TRADEMARK OFFICE

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

AUG 11 2010

DILWORTH & BARRESE, LLP
1000 WOODBURY ROAD
SUITE 405
WOODBURY NY 11797

In re application of
Svensson et al.
Application No. 12/311,039
Filed: June 23, 2010
For: A METHOD AND A SYSTEM FOR FACILITATING CALIBRATION OF AN OFF-LINE PROGRAMMED ROBOT CELL

: **DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)**

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 23, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the EPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the EPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the EPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest Office action from each of the EPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the EPO examiner in the EPO Office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

In light of the preliminary amendment filed on June 23, 1020, the request to participate in the PPH program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6611.

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

BM/BM: 8/11/10

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United States Patent and Trademark Office
P.O. Box 1450
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DEC 20 2010

OFFICE OF PETITIONS

HOLLAND & KNIGHT LLP
10 ST. JAMES AVENUE
BOSTON MA 02116-3889

In re Application of :
Geraldine Robinson et al. :
Application No. 12/311,047 :
Filed: May 13, 2010 :
Attorney Docket No. **112538-00004** :

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 30, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks the name of the first inventor or the assignee of record that is associated with the address listed in the request. Therefore, the change of correspondence address is considered improper.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JAN 18 2011

OFFICE OF PETITIONS

HOLLAND & KNIGHT LLP
10 ST. JAMES AVENUE
BOSTON MA 02116-3889

In re Application of :
Geraldine Robinson et al. :
Application No. 12/311,047 :
Filed: May 13, 2010 :
Attorney Docket No. **112538-00004** :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the renewed request to withdraw as attorney of record under 37 CFR § 1.36(b), filed December 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 Elizabeth Burkhard on behalf of all attorneys of record who are associated with Customer Number 54975.

All attorneys/agents associated with Customer Number 54975 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 Geraldine Robinson 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: Geraldine Robinson
1138 North & South Road
St. Louis, MO 63130

UNITED STATES PATENT AND TRADEMARK 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
12/311,047	05/13/2010	Geraldine Robinson	112538-00004

CONFIRMATION NO. 1998

54975
HOLLAND & KNIGHT LLP
10 ST. JAMES AVENUE
BOSTON, MA 02116-3889

POWER OF ATTORNEY NOTICE

OC000000045515136

Date Mailed: 01/18/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/29/2010.

- 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.

/jlburke/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN NJ 08830

MAILED
NOV 15 2011
OFFICE OF PETITIONS

In re Application of	:	
Bernhard Eichorner, et al.	:	
Application No. 12/311,147	:	DECISION GRANTING PETITION
Filed: March 12, 2009	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 2006P15204WOUS	:	

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 October 21, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 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.*

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NOV 16 2010

PCT LEGAL ADMINISTRATION

ABELMAN, FRAYNE & SCHWAB
666 THIRD AVENUE, 10TH FLOOR
NEW YORK NY 10017

In re Application of :
Pfeiffer et al. :
Application No.: 12/311,206 :
PCT No.: PCT/EP2007/008168 :
Int. Filing Date: 19 September 2007 : DECISION
Priority Date: 28 September 2006 :
Attorney Docket No.: 210,236 :
For: Method Of Increasing The Fracture Toughness :
Of The Outer Layer Of A Carbide Cutting Bit... :

This is with regard to the petition to withdraw the holding of abandonment, filed on 09 March 2010.

BACKGROUND

This international application was filed on 19 September 2007, designated the United States, and claimed an earliest priority date of 28 September 2006. The International Bureau transmitted a copy of the published international application to the USPTO on 03 April 2008. Accordingly, the 30 month time period for paying the basic national fee in the United States expired at midnight on 28 March 2009. Applicants timely filed *inter alia* the basic national fee on 20 March 2009.

On 19 June 2009, a Notification Of Missing Requirements (Form PCT/DO/EO/905) was mailed to counsel, requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

On 01 March 2010, a Notification of Abandonment (Form PCT/DO/EO/909) was mailed to counsel, indicating that this international application had become abandoned with respect to the national stage in the United States for failure to timely reply to the Form PCT/DO/EO/905 mailed on 19 June 2009.

DISCUSSION

Petitioner requests withdrawal of the holding of abandonment, on the basis of alleged non-receipt of the Notification mailed on19 June 2009. As explained in MPEP 711.03(c), and following *Delgar v. Schuyler, 172 USPQ 513 (D.D.C. 1971)*, an adequate showing of non-receipt of papers mailed to applicant by the Office must include (1) a statement by the practitioner that the Office action was not received by the practitioner; (2) a statement attesting that a search of the file jacket and docket records indicates that the Office action was not received; and (3) a copy of the docket record where the non-received Office action would have been entered had it been received (the docket records must also be referenced in petitioner's statement).

Petitioner states that "the notification of missing requirements has not been received at the correspondence address of record." This statement satisfies requirement (1).

Petitioner further states that "the undersigned carefully reviewed the file jacket of the above-referenced application and found no evidence that the Notification of Missing Requirement might have been received." Petitioner also describes the docketing system used by Abelman Frayne & Schwab and says that "the computerized file contains no entry regarding Notification of Missing Requirements/". However, there does not appear to be an explicit statement that a search of the docket records has been conducted. Therefore, requirement (2) has not been satisfied at this time.

Concerning requirement (3), petitioner has provided copies of records, including a "print-out of the master docket for August 19, 2009, the date the response to the Notification of Missing Requirement in the subject application was due. The master docket contains no entry related to Notification of Missing Requirements." The attached master docket records for 19 August 2009 satisfy requirement (3).

DECISION

The petition is **DISMISSED**, without prejudice.

Any request for reconsideration must be filed within **TWO (2) MONTHS** from the mailing date of this Decision, extendable under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

United States Patent and Trademark Office

Commissioner for Patents
United States Patent and Trademark Office
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ABELMAN, FRAYNE & SCHWAB
666 THIRD AVENUE, 10TH FLOOR
NEW YORK NY 10017

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FEB 03 2011

PCT LEGAL ADMINISTRATION

In re Application of :
Pfeiffer et al. :
Application No.: 12/311,206 :
PCT No.: PCT/EP2007/008168 :
Int. Filing Date: 19 September 2007 : DECISION
Priority Date: 28 September 2006 :
Attorney Docket No.: 210,236 :
For: Method Of Increasing The Fracture Toughness :
Of The Outer Layer Of A Carbide Cutting Bit... :

This is with regard to the renewed petition to withdraw the holding of abandonment, filed on 23 November 2010.

DISCUSSION

In a Decision mailed on 16 November 2010, the petition filed on 09 March 2010 was dismissed, without prejudice, because

> Petitioner further states that "the undersigned carefully reviewed the file jacket of the above-referenced application and found no evidence that the Notification of Missing Requirement might have been received." Petitioner also describes the docketing system used by Abelman Frayne & Schwab and says that "the computerized file contains no entry regarding Notification of Missing Requirements/". However, there does not appear to be an explicit statement that a search of the docket records has been conducted. Therefore, requirement (2) has not been satisfied at this time.

In response, petitioner has now provided a direct statement that "he has carefully searched the docket records and that no entry regarding the Notification of Missing Requirements has been found." Taken together with the showing previously provided, all of the requirements for the requested relief now have been satisfied. Accordingly, the Notification of Abandonment mailed on 01 March 2010 is hereby **VACATED**. The holding of abandonment is **WITHDRAWN**.

DECISION

The petition is **GRANTED**.

This application is being returned to the Office of Patent Application Processing for further processing, including the updating of the electronic records of the USPTO (PALM) to reflect the pending status of the application, as well as the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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NOV 21 2011

PCT LEGAL ADMINISTRATION

ABELMAN, FRAYNE & SCHWAB
666 THIRD AVENUE, 10TH FLOOR
NEW YORK NY 10017

In re Application of	:	
LUMLEY, Graham	:	
Application No.: 12/311,209	:	DECISION
PCT No.: PCT/AU2007/001359	:	
Int. Filing Date: 12 September 2007	:	
Priority Date: 21 September 2006	:	
Attorney's Docket No.: 210,257	:	
For: DRAGLINE BUCKETS	:	

This decision is in response to applicant's "PETITION UNDER 37 CFR 1.10(c) TO CORRECT FILING DATE" filed in the United States Patent and Trademark Office (USPTO) on 12 May 2011. No petition fee is required.

BACKGROUND

On 12 September 2007, applicant filed international application PCT/AU2007/001359, which designated the United States and claimed a priority date of 21 September 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 23 March 2009 (21 March 2009 being a Saturday).

On 23 March 2009, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee and a declaration of the inventor.

On 16 June 2009, the United States Designated/Elected Office (DO/EO/US) mailed a Filing Receipt and a NOTICE OF ACCEPTACE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495 (Form PCT/DO/EO/903) according the application a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date and a 35 U.S.C. 371 date of 23 March 2009.

On 12 May 2011, applicants filed the instant petition under 37 CFR 1.10(c). The petition was accompanied by, *inter alia*, a copy of a postcard receipt date-stamped 20 March 2009 by the USPTO and a copy of the Customer Copy of the "Express Mail Post Office to Addressee" mailing label #EB908954881US. The handwritten date in the "Date Accepted" box is "3-20-09".

DISCUSSION

37 CFR 1.10(c) states

> Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that there is a discrepancy between the filing date accorded by the Office to the correspondence and the date of deposit as shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation, may petition the Director to accord the correspondence a filing date as of the "date-in" on the "Express Mail" mailing label or other official USPS notation, provided that:
>
> (1)The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;
>
> (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail;" and
>
> (3) The petition includes a true copy of the "Express Mail" mailing label showing the "date-in," and of any other official notation by the USPS relied upon to show the date of deposit.

Applicant has satisfied items (2) and (3). Specifically, the "Express Mail" label number ("EB908954881US") appears on the transmittal letter (Form PTO-1390), which also refers to, *inter alia*, a national stage application filed under 35 U.S.C. 371 and lists the above-identified applicant and title. The "Date Accepted" on the Customer Copy of the Express Mail mailing label shows a date of 20 March 2009.

However, item (1) has not been satisfied. Item (1) states the petition must be filed promptly after the person becomes aware that the Office has accorded a filing date other than the USPS deposit date. The indication that the Office had accorded the application papers a receipt date of 23 March 2009 was mailed at the latest on 16 June 2009. The instant petition was filed almost 2 years later. Petitioner has provided no indication as to when anyone became aware of the discrepancy.

Additionally, 37 CFR 1.10(f) states

> The Office may require additional evidence to determine if the correspondence was deposited as "Express Mail" with the USPS on the date in question.

Petition has provided a copy of a postcard receipt date-stamped 20 March 2009 by the USPTO. This postcard receipt also includes a bar code sticker having a date of "032009". A postcard receipt also appears in the USPTO's electronic file for the instant application. However, this postcard receipt is dated 23 March 2009. The postcard includes a USPTO date-stamp of 23 March 2009 (the circular date-stamp) and a second date-stamp which reads "IAP08REC'd PCT 23 MAR 2009". However, the "3" in "23" appears to have been handwritten by USPTO personnel.

An explanation for the presence of two different date-stamped postcard receipts for the instant application is required.

CONCLUSION

For the reasons set forth above, applicant's petition under 37 CFR 1.10(c) requesting that the application papers be accorded a filing date of 20 March 2009 is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper reply must be filed within TWO (2) MONTHS form the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.10(c)." 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.

/Daniel Stemmer/

Daniel Stemmer
PCT Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

Enc.: copy of postcard receipt having a USPTO date-stamp of 23 March 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

MAILED

JUN 06 2011

PCT LEGAL ADMINISTRATION

Ballew Law
P.O. Box 428
Yakima WA 98907

In re Application of :
OCHOA, et al. :
U.S. Application No.: 12/311,237 : DECISION ON PETITION
PCT No.: PCT/US2007/020414 :
Int. Filing Date: 19 September 2007 : UNDER 37 CFR 1.181
Priority Date: 22 September 2006 :
Atty docket number: CS06OC01.P01 :
For: FINAL DISPOSAL PROCESS OF :
RESIDENTIAL SOLID WASTE...STAGES :

This decision is in response to applicant's "PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR 1.8(b)" filed 26 April 2011 in the United States Patent and Trademark Office (USPTO). No petition fee is required.

BACKGROUND

On 13 January 2011, applicant was mailed a "NOTIFICATION OF ABANDONMENT" (Form PCT/DO/EO/909) informing applicant that the above-captioned application was abandoned for failure "to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905 mailed 04/05/2010 within the time period set therein." (It is noted that the form mailed on 05 April 201 was a "Notification of Insufficient Fees (DO/EO/US)" (Form PCT/DO/EO/923) which provided a two month time period for response, extendable an additional five months.

On 26 April 2011 , applicant filed the present petition under 37 CFR 1.181 indicating that a response had been timely filed on 04 June 2010.

DISCUSSION

Cases of abandonment where the purported response was filed by regular U.S. mail or facsimile are governed by 37 CFR 1.8.

37 CFR 1.8(b) states:

> In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the Patent and Trademark Office, and the application is held to be abandoned or the proceeding is

> dismissed, terminated, or decided with prejudice the correspondence will be considered timely filed if the party who forwarded the correspondence:
>
> (1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;
>
> (2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and
>
> (3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Commissioner to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

Regarding item 3, applicant has included a statement from Ms. Amy K. Matthews attesting to the timely facsimile filing of the response. A review of the certificate of transmittal finds that the certification indicates that the filing is being sent on "May 19, 2010" and does not cite 37 CFR 1.8(b). However, in the body of the document the certificate does indicate a "Date of Transmission" of "June 4, 2010. In addition, applicant has included a copy of the relevant USPTO Auto-Reply Facsimile Transmission Confirmation. Thus, it is clear that a fax was received by the office on 04 June 2010. Ms. Matthews has attested that the papers currently filed, which includes an authorization to charge fees, constitute what she faxed on 04 June 2010. As such, it is proper to grant applicant's petition at this time and vacate the holding of abandonment in this application.

Regarding the amending of claims subsequent to initial filing, applicant is directed the Manual of Patent Examining Procedure (MPEP) section 1893.01(c) which states:

> A preliminary amendment accompanying the initial national stage submission under 35 U.S.C. 371 that *>is effective to cancel< claims and/or *>eliminate< multiple dependent claims will be effective to reduce the number of claims to be considered in calculating extra claim fees required under 37 CFR 1.492(d)-(e) and/or eliminate the multiple dependent claim fee required under 37 CFR 1.492(f). A subsequently filed amendment canceling claims and/or eliminating multiple dependent claims will not entitle applicant to a refund of fees previously paid. See MPEP § 607 and § 608.

CONCLUSION

For the reasons detailed above, applicant's petition under 37 CFR 1.181 is **GRANTED**.

The Form PCT/DO/EO/909 mailed 24 February 2011 is hereby **VACATED**.

The required fees will be charged to deposit account number 50-0269 as authorized.

This application is being returned to the United States Designated/Elected Office (US/DO/EO) for further processing in accordance with this decision including the preparation and mailing of a "Notice of Acceptance" (Form PCT/DO/EO/903).

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

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DEC 17 2010

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PCT LEGAL ADMINISTRATION

DOWELL & DOWELL P.C.
103 Oronoco St.
Suite 220
Alexandria VA 22314

In re Application of:
DAUMAL CASTELLON, Melchor
U.S. Application No.: 12/311,244
PCT Application No.: PCT/ES2006/000602
International Filing Date: 31 October 2006
Priority Date: 29 September 2006
Attorney's Docket No.: 16638NP
For: IMPROVED UNIVERSAL JOINT FOR STEERING MECHANISM FOR AUTOMOBILES

DECISION ON PETITION
(37 CFR 1.182)

This decision is issued in response to the "Petition Fore Issues Arising Under 35 U.S.C. 371" filed 19 November 2010, treated herein as a petition under 37 CFR 1.182. Deposit Account No. 04-1577 will be charged the required $400 petition fee.

BACKGROUND

On 20 September 2010, this Office mailed a communication indicating that a petition under 37 CFR 1.182 was required to clarify the record as to the correct international application number for the present national stage application. The communication noted that the original application submission on 24 March 2010 referenced two different international applications. Specifically, while the application data sheet (ADS) and the second page of the Form PTO-1390 Transmittal Letter preliminary amendment filed by applicants referred to international application PCT/ES2006/000602, the first page of the Form PTO-1390 Transmittal Letter identified the international application as PCT/EP2006/000602.

On 19 November 2010, applicant filed the "Petition Fore Issues Arising Under 35 U.S.C. 371" considered herein.

DISCUSSION

The petition confirms that the correct international application number for the present national stage application is PCT/ES2006/000602. Applicants note that the correct international application number was listed in several places within the materials filed 24 March 2009, including the ADS and the second page of the Form PTO-1390 transmittal letter. The petition also includes the authorization to charge Deposit Account No. 04-1577 for the $400 petition fee.

The present submission satisfies the requirements for a grantable petition to correct the error in the international application number listed on the first page of the Form PTO-1390. Accordingly, the materials filed herein on 24 March 2010, including the payment of the basic national fee, will be treated as having been directed to PCT/ES2006/000602. Such materials, including payment of the U.S. basic national fee, were filed prior to the expiration of thirty months from the priority date of such application, thereby avoiding abandonment of the international application with respect to the United States.

Applicant argues that the petition fee should not be required because the incorrect international application number was only present in one location and was clearly a typographical error. However, it is precisely to correct the inconsistency in the record resulting from applicant's typographical error that the present petition, and the applicable fee, is required. While the presence of the correct international application number elsewhere in applicant's 24 March 2009 submission permits the granting of the present petition, thereby avoiding abandonment of PCT/ES2006/000602, it does not eliminate the need for the petition to correct the record.

CONCLUSION

The "Petition Fore Issues Arising Under 35 U.S.C. 371," considered herein under 37 CFR 1.182, is **GRANTED**.

The present application will be treated as the U.S. national stage of PCT/ES2006/000602.

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.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

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Commissioner for Patents
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Decision Date : March 20, 2012

In re Application of :

Brian Russell

Application No : 12311276

Filed : 25-Jun-2009

Attorney Docket No : ZEP-107

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 March 20, 2012

The request is **APPROVED.**

The request was signed by Melvin Barnes (registration no. 38375) on behalf of all attorneys/agents associated with Customer Number 64713 . All attorneys/agents associated with Cusotmer Number 64713 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	Zephyr Technology Corporation
Name2	
Address 1	1 Annapolis Street, Suite 200
Address 2	
City	Annapolis
State	MD
Postal Code	21401
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	12311276
Filing Date	25-Jun-2009
First Named Inventor	Brian Russell
Art Unit	3735
Examiner Name	MICHAEL BLOCH
Attorney Docket Number	ZEP-107
Title	Bio-mechanical sensor system

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 64713

The reason(s) for this request are those described in 37 CFR:

10.40(c)(5)

Certifications

☒ I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment

☒ I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled

☒ I/We have notified the client of any responses that may be due and the time frame within which the client must respond

Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:

Name	Zephyr Technology Corporation
Address	1 Annapolis Street, Suite 200
City	Annapolis
State	MD
Postal Code	21401
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Melvin Barnes/
Name	Melvin Barnes
Registration Number	38375

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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Stacey Slater
121 SW Salmon Street
Suite 1600
Portland OR 97204

In re Application of:
Steffen Werner et al.
Application No. 12/311304
Attorney Docket No. 7832-76736-03
Filed: March 23, 2009
For: Method for Generating and Using Composite Scene Passcodes

DECISION ON PETITION UNDER 37 C.F.R. ∋ 1.84(a)(2) TO ACCEPT COLOR DRAWINGS

This is a decision on the petition under 37 C.F.R. 1.84(a)(2), filed March 23, 2009, requesting acceptance of color drawings.

The petition is **GRANTED**.

REGULATIONS AND PRACTICE

37 C.F.R. § 1.84(a)(2) states:

(2) *Color.* On rare occasions, color drawings may be necessary as the only practical medium by which to disclose the subject matter sought to be patented in a utility or design patent application or the subject matter of a statutory invention registration. 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. Color drawings are not permitted in international applications (see PCT Rule 11.13), or in an application, or copy thereof, submitted under the Office electronic filing system. 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. Any such petition must include the following:

(i) The fee set forth in § 1.17(h);

(ii) Three (3) sets of color drawings;

(iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

DECISION

The petition and preliminary amendment, satisfies conditions (i) - (iii) above; therefore, the petition is **GRANTED**.

The application file is being forwarded to the Examiner of record.

Any inquiry regarding this decision should be directed the undersigned whose telephone number is (571) 272-3612.

/Tod Swann/

Tod Swann, SPE/WQAS
Technology Center 2400
Network, Multiplexing, Cable and Security

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.
12/311,324	03/26/2009	Bernhard Gottlieb	2268.1001	7349

21171 7590 07/22/2011

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER	
DOUGHERTY, THOMAS M	

ART UNIT	PAPER NUMBER
2837	

MAIL DATE	DELIVERY MODE
07/22/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

Application No.: 12311324 :
Filed: 03/26/2009 : **DECISION ON PETITION**
Patent Number: 7,923,901 :
Issue Date: 04/12/11 :
Attorney Docket No. **2268.1001** :

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

- 9 SEP 2010

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POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON VA 20191

In re Application of	:	
BAN-YA, Shiro, et al.	:	
Application No.: 12/311,330	:	DECISION ON
PCT No.: PCT/JP2007/074762	:	
Int. Filing Date: 21 December 2007	:	REQUEST
Priority Date: 22 December 2006	:	
Attorney's Docket No.: 90V-001-PCT	:	UNDER 37 CFR 1.42
For: FLUX FOR REFINING STEEL OF LOW NITROGEN, LOW OXYGEN AND LOW SULFUR	:	

This is a decision on applicants' renewed request for status under 37 CFR 1.42, filed in the United States Patent and Trademark Office on 08 July 2010.

BACKGROUND

On 04 June 2010, the Office mailed Decision On Petition Under 37 CFR 1.42, refusing applicants' request as the declaration contained foreign language text, but was not accompanied by a statement under 37 CFR 1.69.

On 08 July 2010, applicants submitted a 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 declaration lists the inventors and their citizenships and lists the legal representative and the legal representative's citizenship, residence and postal address. See 37 CFR 1.497. Further, applicants have supplied a statement that the English text is an accurate translation of the foreign text. See 37 CFR 1.69.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/311,379	03/26/2009	Ralph A. Reisfeld	TSRI 1215.1 US	8196

2387 7590 09/07/2011

Olson & Cepuritis, LTD.
20 NORTH WACKER DRIVE
36TH FLOOR
CHICAGO, IL 60606

EXAMINER	
SGAGIAS, MAGDALENE K	
ART UNIT	PAPER NUMBER
1632	
MAIL DATE	DELIVERY MODE
09/07/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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SEP 0 7 2011

Olson & Cepuritis, LTD.
20 NORTH WACKER DRIVE
36TH FLOOR
CHICAGO IL 60606

In re Application of:
Reisfeld et al.
Serial No.: 12/311,379
Filed: March 26, 2009
Attorney Docket No.: **TSRI 1215.1 US**

: PETITION DECISION

This is in response to the petition under 37 CFR § 1.181, filed August 12, 2011, requesting that the final Office action of May 12, 2011 be withdrawn.

Applicants' arguments have been accorded careful consideration but they are not persuasive for the following reasons. The petition was untimely and therefore the merits of such won't be considered. Applicants should note that 37 CFR 1.181(f) indicates that any petition not filed within two months of the mailing date of the action from which relief is requested may be dismissed as untimely, that action being the final rejection of May 12, 2011. If the applicant wants consideration after the two months they should file a petition, and corresponding petition fee for such, under 37 CFR 1.183 and ask for a suspension of the Rule 181 and ask that consideration be made later than the 2 months.

Accordingly, the petition filed under 37 CFR 1. 181 is **DISMISSED** as untimely.

Should there be any questions about this decision please contact Marianne C. Seidel, by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

Remy Yucel
Director, Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

10 AUG 2010

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P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Muirhead and Saturnelli, LLC
200 Friberg Parkway
Suite 1001
Westborough MA 01581

In re Application of :
LAW et al. :
U.S. Application No.: 12/311,412 : DECISION ON PETITION
PCT No.: PCT/GB2007/003756 : UNDER 37 CFR 1.47(a)
Int. Filing Date: 04 October 2007 :
Priority Date: 04 October 2006 :
Attorney Docket No.: VPM-04201 :
For: CONFIGURATION OF BASE STATION : REPEATER

In a decision mailed by this Office on 03 May 2010, applicants' petition under 37 CFR 1.47(a) was dismissed without prejudice for failing to satisfy all the requirements of a grantable petition.

On 15 July 2010, petitioner filed the renewed petition considered herein. The renewed petition includes a statement from Adrian Sneary, with accompanying documents, which provides the required firsthand evidence that the nonsigning inventor has refused to execute the declaration, as requested. These materials satisfy the outstanding requirements for a grantable petition under 37 CFR 1.47(a). The petition under 37 CFR 1.47(a) is **GRANTED**.

The application is accepted without the signature of nonsigning inventor Toby Proctor.

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

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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10 AUG 2010

Toby Proctor
39 York Road
Salisbury SP2 7AU
Great Britain

In re Application of
LAW et al.
U.S. Application No.: 12/311,412
PCT No.: PCT/GB2007/003756
Int. Filing Date: 04 October 2007
Priority Date: 04 October 2006
Attorney Docket No.: VPM-04201
For: CONFIGURATION OF BASE STATION REPEATER

Dear Toby Proctor:

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

Counsel of Record:
Muirhead and Saturnelli, LLC
200 Friberg Parkway
Suite 1001
Westborough MA 01581

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MAILED

MAR 13 2012

PCT LEGAL ADMINISTRATION

MARTIN D. MOYNIHAN d/b/a PRTSI, INC.
P.O. BOX 16446
ARLINGTON VA 22215

In re Application of :
LEVY, Rachel : DECISION
Application No.: 12/311,419 :
Attorney Docket No.: 50428 :
For: USE OF ANTISENSE OLIGO- :
NUCLEOTIDES AGAINST CPLA2 IN THE :
TREATMENT OF CANCER :

This is a decision on the petition filed August 11, 2011, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 365(c) for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment submitted concurrently with the instant petition. The petition is being treated under 37 CFR 1.78(a)(3).

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 above-noted, prior-filed PCT 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 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 an acceptable statement of unintentional delay. With further regard to the statement of unintentional delay, the statement contained in the petition differs slightly from the language contained in 37 CFR 1.78(a)(3)(iii) and is hereby construed as 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. If this interpretation is incorrect, applicant is required to immediately notify the Office. 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 365(c) to the prior-filed PCT 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 instant application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §§ 120 and 365(c) and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether 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 application, accompanies this decision on petition.

The amendment to the specification also references Israel Patent Application No. 161579 filed April 22, 2004. However, because applicant did not make a claim for priority to such foreign application by the deadline set forth in 37 CFR 1.55(a)(1)(ii) and because the petition procedure set forth in 37 CFR 1.55(c) is not applicable to priority claims under 35 U.S.C. 365(b), the present application cannot claim priority to such foreign application. It is noted, however, that an application filed under 35 U.S.C. 111(a) which claims the benefit of international application PCT/IL2005/000399 under 35 U.S.C. 120 may claim priority to such foreign application, provided that the requirements of 35 U.S.C. 119 and 37 CFR 1.55 are met.

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
Office of PCT Legal Administration
Telephone: (571) 272-3301

/Bryan Lin/

Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

MAILED

JUL 13 2011

OFFICE OF PETITIONS

In re Application of :
Rie OSAKI, et *al.* :
Application No. 12/311,425 : DECISION GRANTING PETITION
Filed: March 30, 2009 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **141133** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 7, 2011., to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on June 21, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2886 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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	12311425
Filing Date	30-Mar-2009
First Named Inventor	Rie Osaki
Art Unit	2886
Examiner Name	SANG NGUYEN
Attorney Docket Number	141133
Title	FUEL PROPERTY DETECTION 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	/Justin T. Lingard/
Name	Justin T. Lingard
Registration Number	61276

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

Decision Date : October 3,2011

In re Application of :

Rie Osaki

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12311425

Filed : 30-Mar-2009

Attorney Docket No : 141133

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed October 3,2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid 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 2886 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

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39600
SOFER & HAROUN LLP
317 Madison Avenue, Suite 910
New York, NY 10017

MAILED

JAN 12 2011

PCT LEGAL ADMINISTRATION

In re Application of
BUCHON *et al*
U.S. Application No.: 12/311,435
PCT No.: PCT/FR2007/052077
Int. Filing Date: 04 October 2007
Priority Date: 05 October 2006
Attorney Docket No.: 979-439
For: DISPLAY DEVICE FOR STEREOSCOPIC DISPLAY

DECISION ON PETITION UNDER 37 CFR 1.42

This is a decision on the declaration filed 26 March 2009 which is treated under 37 CFR 1.42.

BACKGROUND

On 26 March 2009, applicants filed papers to enter the national stage of PCT/FR2007/052077 which was accompanied by, *inter alia*, a declaration executed by three inventors and the executrix (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.

Applicants submitted a declaration executed by three of the four named inventors and by Cécile BONAFOS as legal representative of deceased inventor, Renaud MOLITON.

The declaration lists the citizenship, residence and address of the legal representative pursuant to 37 CFR 1.497(b)(2), as well as the required information for all the named inventors.

The declaration is in compliance with 37 CFR 1.497(a) and (b).

CONCLUSION

The papers filed under 37 CFR 1.42 are **ACCEPTED**.

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: PPH.PCT.892
Document Description: Petition to make special under PCT-Patent Prosecution Highway

PTO/SB/23/PCT-EP (08-10)
Approved for use through 01/31/2012. OMB 0651-0033
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:	12/311,459	Filing date:	March 31, 2009
First Named Inventor:	Claus August BOLZA-SCHÜNEMANN		
Title of the invention:	ROTARY PRINTING PRESS AND METHOD FOR PRODUCING A NEWSPAPER PRODUCT IN TABL		

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/EP2008/052107

The international date of the corresponding PCT application(s) is/are: February 21, 2008

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☐ is attached

☑ is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ is attached.

☑ is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(a). The information is required to obtain or retain a benefit by the public, which is to be given 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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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.	12/311,459
First Named Inventor	Claus August BOLZA-SCHÜNEMANN

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 March 31, 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 March 31, 2009

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
49 - 52	1 - 4	direct correspondence
53, 54	5, 6	U.S. claim amended to remove multiple dependency
55 - 58	7 - 10	direct correspondence
59 - 62	11 - 14	U.S. claim amended to remove multiple dependency
63	15	direct correspondence
64	16	U.S. claim amended to remove multiple dependency
65	17	direct correspondence
66, 67	18, 19	U.S. claim amended to remove multiple dependency
68 - 72	20 - 24	direct correspondence

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Date	October 7, 2010
Name (Print/Typed) Douglas R. Hanscom	Registration Number	28600

KARIN T. DUNN

GERMAN TRANSLATION AND LANGUAGE SERVICES
Certified by the American Translators Association

4706 OLDE FORGE CT., FAIRFAX, VA 22032
TELEPHONE: 703-426-1422 · FAX: 703-426-2772 · DUNN6FAM@MSN.COM

Date: March 26, 2009

DECLARATION

The undersigned, Karin T. Dunn, hereby states that she is well acquainted with both the English and German languages and that the attached is a true translation to the best of her knowledge and ability of the German text of PCT/EP2008/052107, filed on 2/21/2008 and published on 8/28/2008 under No. WO 2008/101980 A1.

The undersigned further declares that the above statement is true; and further, that this statement was made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or document or any patent resulting therefrom.

Karin T. Dunn

Translation of the pertinent portions of a **Written Opinion of the International Searching Authority (Rule 43*bis*.1 PCT)**, mailing date not indicated

1. This opinion contains indications relating to the following items:

   Box No. I Basis of the Opinion

   Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Box 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.

Box V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: No:	Claims 1-21
Inventive Step (IS)	Yes: No:	Claims 1-21
Industrial Applicability (IA)	Yes: No:	Claims 1-21

2. Citations and Explanations
See attached sheet

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (SUPPLEMENTARY TEXT)

Re Item V.

1. Reference is made to the following document:

   D1: WO 2005/105447 A (KOENIG & BAUER AG [DE]; ECKERT GUENTHER OSKAR [DE]; HERBERT BURKARD OT) 10 November 2005 (11/10/2005), cited in the application

2. **INDEPENDENT CLAIM 1**

   2.1 Document D1 is considered the closest prior art. It discloses (references in parentheses refer to this document) a rotary printing press for producing a newspaper product (page 8, lines 27-29) in tabloid format (page 22, line 6 through page 24, line 21),
   - with at least one couple of a printing unit (02), wherein the printing couple is embodied such that it prints a web (03) with printed pages in a horizontal tabloid format (Figures 17 and 18),
   - with a partial web (03b), which is obtained by longitudinally cutting the web (03),
   - and with a plough fold (page 22, line 8), which is arranged in the path of the partial web (03b) in such a way that it folds in a first edge area of the partial web (03b), which has been printed with a narrower printed image section, along a first fold line as a folded-in portion (Figures 17 and 18),
   - and with a former (44), which is situated downstream of the plough fold (page 22, line 8),
   - that the partial web (03b) is printed with only one horizontal printed page in tabloid format and, on at least one side of this printed page, in an adjacent edge area, with a narrower printed image section, the two being side by side (Figures 17 and 18).

   2.2 Claim 1 differs from D1 in that partial web and former are arranged in relation to one another in the area in front of the former in such a way that the partial web, which is folded in on one side, approaches the former eccentrically, i.e., with the center of the partial web, which is folded in on one side, offset rather than aligned with the former nose.
   Claim 1 is therefore novel (Article 33(2) PCT).

   2.3 The problem to be solved herein is to make the folded-in portions of a newspaper product in tabloid format more flexible.

2.4 The solution proposed here is neither known from nor suggested in the prior art. It does not involve slight structural variants, because the plough fold, the partial web and the former must be adjusted to one another. Claim 1 is therefore inventive (Article 33(3) PCT).

3. INDEPENDENT CLAIM 21

3.1. Document D1 discloses (references in parentheses refer to this document) a method of producing a newspaper product (page 8, lines 27-29) in tabloid format (page 22, line 6 through page 24 line 21),

- with a folded-in portion arranged at a head and/or a foot of at least one interior page or a back cover of the newspaper product (page 8, lines 27-29) (Fig. 17 and 18) using a rotary printing press,
- in that a web (03) is printed with printed pages in a horizontal tabloid format using at least one printing couple of a printing unit (02) (page 22, line 6 through column 24, line 21),
- a partial web (03b) is obtained from the printed web (03) by longitudinally cutting the web (03),
- with a plough fold (page 22, line 8) a first edge area of the partial web (03b), which is printed with a narrower printed image section, is folded in along a first fold line as a folded-in portion (Fig. 17 and 18),
- that the partial web (03b) bears the printed image of only one horizontal printed page in tabloid format, and, on at least one side of this printed page, in an adjacent edge area, the printed image of a narrower printed image section, the two being side by side (Fig. 17 and 18).

3.2. Claim 21 differs from D1 in that the partial web, which is folded in on one side, is fed to the area in front of a former, situated downstream of the plough fold, eccentrically, i.e., with the center of the partial web, which is folded in on one side, offset rather than aligned with the former nose.
Claim 21 is therefore novel (Article 33(2) PCT).

3.3. The problem to be solved herein is to make the folded-in portions of a newspaper product in tabloid format more flexible.

3.4. The solution proposed here is neither known from nor suggested in the prior art. It does not involve slight structural variants, because the plough fold, the partial web and the former must be adjusted to one another.
Claim 21 is therefore inventive (Article 33(3) PCT).

3 DEPENDENT CLAIMS 2-20, 22-24

Claims 2-20 or 22-24 are dependent upon Claim 1 or 21, respectively, and therefore also fulfill the requirements of the PCT with respect to novelty and an inventive step.

4 ADDITIONAL REMARKS

4.1 The cited document DE 10 2005 031 101 relates to a method for producing ceramic coatings.

4.2 According to the requirements under Rule 11.13 l) PCT, reference symbols not identified in the Specification may not appear in the drawings, and vice versa. This requirement is not fulfilled with respect to Reference Symbol 27 (Specification, page 14, Paragraph 5).

Claims

1. Rotary printing press (01) for producing a newspaper product (12; 22; 35; 39) in tabloid format,
   - with at least one printing couple of a printing unit (02), wherein the printing couple is embodied so as to print a web (03) with printed pages in a horizontal tabloid format (F),
   - with a partial web (04), which is obtained by cutting the web (03) longitudinally,
   - and with a plough fold (08), which is arranged in the path of the partial web (04) in such a way that it folds in a first edge area (05) of the partial web (04), which is printed with a narrower printed image section, along a first fold line (L05) as a folded-in portion (17; 30; 31; 32; 40),
   - and with a former (09), which is located downstream from the plough fold (08),
   - characterized in
   - that the partial web (04) is printed with only one horizontal printed page in tabloid format (F) and, on at least one side of this printed page, in an adjacent edge area (05; 06), with a narrower printed image section (f), the two being side by side,
   - and in that partial web (04) and former (09) are arranged in relation to one another in the area in front of the former (09) in such a way that the partial web (04), which is folded in on one side, approaches the former (09) eccentrically, i.e., with the center of the partial web (04), which is folded in on one side, offset, rather than aligned with the former nose.

2. Rotary printing press (01) according to Claim 1, characterized in that the partial web (04) has a second edge area (06) on a side of the partial web (04) which is opposite the first edge area (05).

3. Rotary printing press (01) according to Claim 2, characterized in that the second edge area (06) is printed with a printed image section (f) that is narrower than the horizontal printed page in tabloid format (F).

4. Rotary printing press (01) according to Claim 1, characterized in that the partial web (04) is printed with only one horizontal printed page in tabloid format (F) and, on both sides of this printed page, in adjacent edge areas (05, 06), with a narrower printed image section (f), the two being side by side.

5. Rotary printing press (01) according to Claim 2, 3 or 4, characterized in that partial web (04) and former (09) are arranged in relation to one another such that the former (09) folds in the second edge area (06) which is opposite the first edge area (05).

6. Rotary printing press (01) according to Claim 2, 3 or 4, characterized in that the partial web (04), which is folded in on one side, and the former (09) are arranged in relation to one another in the area in front of the former (09) such that a second fold line (L06), especially between the printed page in tabloid format and the second edge area (06), is aligned with the former nose.

7. Rotary printing press (01) according to Claim 1, characterized in that the partial web (04), which is folded in on one side, and the former (09) are arranged in relation to one another in the area in front of the former (09) such that the partial web (04), which is folded in on one side, is fed over only one of two sides of the former (09).

8. Rotary printing press (01) according to Claim 1, characterized in that the former (09) is embodied so as to be displaceable at least transversely to the direction of web travel (B).

9. Rotary printing press according to Claim 1, characterized in that a folding unit (07) has at least two former planes (I, II), wherein the adjustable former (09) is embodied as a balloon former (09), which is arranged in an upper former plane (I).

10. Rotary printing press according to Claim 9, characterized in that the adjustable former (09), which is embodied as a balloon former (09), is arranged aligned above the former or formers (11) of the lower former plane (II).

11. Rotary printing press according to any one of the preceding claims, characterized in that the adjustable former (09) is configured with extra width, allowing newspaper products (22) having interior pages (25) that are taller than pages on the outside of the product to be produced.

12. Rotary printing press according to any one of the preceding claims, characterized in that the adjustable former (09) is also arranged so as to be adjustable longitudinally in relation to the direction of web travel (B) of the web (03) or partial web (04).

13. Rotary printing press according to any one of the preceding claims, characterized in that the folding unit (07) comprises at least one longitudinal cutting device, which longitudinally cuts a part (18) of the web (03) that remains following the separation of the partial web (04), which was fed over the plough fold (08) and the adjustable former (09) located downstream, into partial webs (19), with the width of each corresponding to the height of one tabloid page, wherein the folding unit (07) comprises at least one additional former (11), preferably arranged in a lower former plane (II), over which at least two partial webs (19), which are traveling side by side with each having the width of the height of one tabloid page, are fed such that the dividing line between the adjacent partial webs (19) runs over the former nose (20) of the lower former (11).

14. Rotary printing press according to any one of the preceding claims, characterized in that the folding unit (07) comprises at least one pair of cutting cylinders, which combine the web (03) or partial web (04), which has been fed over the plough fold (08) and the adjustable former (09), with webs (03) or partial webs (19), which have optionally been fed over at least one additional former (11) of the folding unit (07), to form a ribbon, and cut this crosswise into sections, the length of which corresponds to the width of a double tabloid page, and at least one pair of folding cylinders, which fold the sections transversely to the direction of web travel (B).

15. Rotary printing press according to Claim 14, characterized in that the adjustable former (09) is arranged such that the web (03) or partial web (04) with folded-in edge areas (05; 06) can be placed in the ribbon that is entering the pair of cutting cylinders under webs (03) or partial webs (19) that have been fed over at least one additional former (11) of the folding unit (07), so that the folded-in portion (17; 30; 31; 32; 40) optionally come to rest on the panorama page (48) of the finished newspaper product (12; 22; 36; 39).

16. Rotary printing press according to any one of the preceding claims, characterized in that the folding unit (07) of the rotary printing press (01) has means (45) for perforating and/or for slitting open the folded-in portion (17; 30; 31; 32; 40) in the area of the cross fold (16; 42).

17. Rotary printing press according to Claim 16, characterized in that the means (45) for perforating and/or slitting open the folded-in portion (17; 30; 31; 32; 40) in the area of the cross fold (16; 42) comprise a rhythmically running perforation and/or cutting device (45), arranged upstream from the adjustable former (09) in the direction of web travel (B).

18. Rotary printing press (01) according to any one of the preceding claims, characterized in that the width of the web (03) printed by the printing couple or the printing unit (02), or of a partial web (04) obtained by longitudinally cutting a printed web (03), corresponds to the height of two tabloid pages.

19. Rotary printing press (01) according to any one of the preceding claims, characterized in that the width of the web (03) printed by the printing couple or the printing unit (02) is an even-numbered multiple of the height of one tabloid page, from which at least one partial web (04), the width of which corresponds to the height of two tabloid pages, is obtained via longitudinal cutting, which can be fed to the plough fold (08) with the adjustable former (09) located downstream, wherein the total of the widths of the edge areas (05; 06) folded in by the plough fold (08) and the adjustable former (09) corresponds to the height of one tabloid page, in order to produce folded-in portions at the head (13) and/or at the foot (14) of an interior page (15; 48) of the finished newspaper product (12), which portions cover the entire interior page (15; 48).

20. Rotary printing press according to Claim 18, characterized in that the width of the web (03) corresponds to the height of six tabloid pages, and the plough fold (08) and the adjustable former (09) each fold in an edge area (05; 06) of the partial web (04) that is one-twelfth the original width of the web, in order to create folded-in portions (17; 30; 31; 32; 40) at the head (13; 24; 33; 43) and at the foot (14; 27; 29; 44) of an interior page (15; 25; 35; 48) of the finished newspaper product (12; 22; 36; 39), which portions cover the entire interior page (15; 25; 35; 48).

21. Method of producing a newspaper product (12; 22; 36; 39) in tabloid format, with a folded-in portion (17) located at a head (13) and/or at a foot (14) of at least one interior page (15) or a back page (38) of the newspaper product (12), by means of a rotary printing press (01),

- wherein a web (03) is printed with printed pages in a horizontal tabloid format (F) by at least one printing couple of a printing unit (02),
- a partial web (04) is obtained from the printed web (03) by longitudinally cutting the web (03),
- with a plough fold (08) a first edge area (05) of the partial web (04), which is printed with a narrower printed image section, is folded in along a first fold line (L05) to form a folded-in portion (17; 30; 31; 32; 40),
- the partial web (04) bears the printed image of only one horizontal printed page in tabloid format (F) and the printed image of at least one a narrower printed image section (f), on at least one side of this printed page, in an adjacent edge area (05, 06), the two being side by side,
- and that the partial web (04), which is folded in on one side, is fed to the area in front of a former (09), which is located downstream from the plough fold (08), eccentrically, i.e., with the center of the partial web (04), which is folded in on one side, offset rather than aligned with the former nose.

22. Method according to Claim 21, characterized in that the partial web (04) bears the printed image of only one horizontal printed page in tabloid format (F), and, on both sides of this printed page, in respective adjacent edge areas (05, 06), the printed image of a narrower printed image section (f), the two being side by side.

23. Method according to Claim 22, characterized in that the partial web (04), which is already folded in on one side, is fed to the former (09) in such a way that the former (09) folds in the second edge area (06), which is opposite the first edge area (05).

24. Method according to Claim 21, characterized in that the partial web (04), which is already folded in on one side, is fed over only one of two sides of the former (09).

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/311,459	03/31/2009	Claus August Bolza-Schünemann	W1.2836 PCT-US	4122

23294 7590 11/08/2010

JONES, TULLAR & COOPER, P.C.
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EXAMINER	
NGUYEN, JUDY	
ART UNIT	**PAPER NUMBER**
2854	

MAIL DATE	DELIVERY MODE
11/08/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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JONES, TULLAR & COOPER, P.C.
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In re Application of
BOLZA-SCHüNEMANN et al.
Application No.: 12/311,459
Filed: 31 March 2009
Attorney Docket No.: W1.2836 PCT-US
For: ROTARY PRINTING PRESS AND METHOD FOR PRODUCING A NEWSPAPER PRODUCT IN TABLOID FORMAT

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PCT PATENT
: PROSECUTION HIGHWAY PILOT
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(d)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed 07 October 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability

along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

UNITED STATES PATENT AND TRADEMARK OFFICE

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JAN 24 2011

PCT LEGAL ADMINISTRATION

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

In re Application of :
BLONDEL, Marc :
Application No.: 12/311,460 :
PCT No.: PCT/IB2007/004178 :
Int. Filing Date: 03 October 2007 :
Priority Date: 04 October 2006 :
Docket No.: BJS-1721-191 :
For: USE OF CHLORINE GUANABENZ :
DERIVATIVES FOR TREATING :
PRION-BASED DISEASES :

NOTIFICATION

OF A

DEFECTIVE RESPONSE

These decisions are in response to Applicant's Petitions Under 37 CFR 1.181,filed in the above-captioned application on 05 October 2009 and 08 November 2010.

BACKGROUND

On 31 March 2009, applicants supplied a transmittal letter for entry into the national phase in the United States, accompanied by, *inter alia*, the basic national fee. Applicants had supplied a declaration for the United States under PCT Rule 26*ter* during the international phase.

On 05 August 2009, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia*, that the 4.17 declaration did not identify the international application in the body of the declaration and that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 05 October 2009, applicants filed a petition under 37 CFR 1.181 to vacate the Notification of Missing Requirements.

On 26 October 2010, the Office mailed Notification of Abandonment (Form PCT/DO/EO/909) indicating that the application went abandoned for failure to timely respond to the Notification of Missing Requirements mailed 05 August 2009.

On 08 November 2010, applicants filed a second petition under 37 CFR 1.181 to vacate the Notification of Abandonment.

DISCUSSION

The Notification of Abandonment issued in error. The response to the Notification of Missing Requirements is in the file wrapper.

Applicants supplied a declaration within the time limit of PCT Rule 26*ter*, but it did not comply with PCT Rule 26*ter*. The declaration that applicants furnished reads "this declaration is directed to international application No. PCT/.....(if furnishing declaration pursuant to Rule 26*ter*)." As this declaration was not properly completed prior to execution by the inventors, it does not comply with 37 CFR 1.497(a)-(b). It fails to identify the international application to which it was directed.

Applicants argue that the header "PCT/IB2007/004178," applied by the International Bureau to identify the papers as having been filed in that application, identifies the application to which this declaration was directed. That marking was not on the declaration when it was executed by the inventors. This Rule 4.17 declaration did not identify to the inventors, the application to which it was directed. A declaration cannot be modified after execution by the inventors. The declaration had to satisfy Rule 4.17 and 37 CFR 1.497(a)-(b), when the inventors executed it.

CONCLUSION

Applicants' petition under 37 CFR 1.181 to vacate the holding of abandonment is **GRANTED**, but the petition to accept the Rule 4.17 declaration and vacate the Notification of Missing Requirements is **DISMISSED** without prejudice.

The Form PCT/DO/EO/909, mailed 26 October 2010, is **VACATED**.

Applicants are required to submit an oath or declaration in compliance with 37 CFR 1.497(a)-(b) within a time limit of **ONE (1) MONTH** from the mail date of this Notification. Failure to timely respond will result in the abandonment of this application. No extension of this time limit may be granted under 37 CFR 1.136(a). Any request for reconsideration of this decision should include a cover letter entitled "Response to Notification of Defective Response."

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
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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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

APR 26 2011

PCT LEGAL ADMINISTRATION

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

In re Application of :
BLONDEL, Marc :
Application No.: 12/311,460 :
PCT No.: PCT/IB2007/004178 :
Int. Filing Date: 03 October 2007 : DECISION
Priority Date: 04 October 2006 :
Docket No.: BJS-1721-191 :
For: USE OF CHLORINE GUANABENZ :
DERIVATIVES FOR TREATING :
PRION-BASED DISEASES :

This decision is in response to Applicant's Response to Notification of Defective Response,filed in the above-captioned application on 24 February 2011.

BACKGROUND

On 24 January 2011, the Office mailed Notification of Defective Response, vacating the holding of abandonment, but requiring an oath or declaration in compliance with 37 CFR 1.497(a)-(b).

On 24 February 2011, applicants filed this response, accompanied by a declaration of the inventors.

DISCUSSION

The 24 February 2011 declaration complies with 37 CFR 1.497(a)-(b).

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

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VALAUSKAS & PINE LLC
150 SOUTH WACKER DRIVE
SUITE 620
CHICAGO, IL 60606

MAILED

SEP 16 2010

OFFICE OF PETITIONS

Applicant: Dash, et al.
Appl. No.: 12/311,479
International Filing Date: October 26, 2007
Title: MUCOADHESIVE NANOPARTICLES FOR CANCER TREATMENT
Pub. No.: US 2009/0275526 A1
Pub. Date: November 5, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b) or (a), received on January 5, 2010, for the above-identified application.

The request is granted-in-part.

Applicant requests that the application be republished because the patent application publication contains material errors wherein pages 40-49 were omitted and the publication did not include the amendments to the specification. Applicant asserts that the Office failed to follow procedure and request a substitute specification.

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 with respect to the omitted pages, this mistake will be corrected.

The corrected patent application publication will be published in due courts, unless the patent issues before the application is republished.

[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).

With respect to the amendments to the specificaiton not being published, this is not a material Office error under 37 CFR 1.221. The "failure to include a preliminary amendment is not an Office error," See MPEP 1130(b). The publication accurately reflected the specification as filed.

Applicant asserts that the Office failed to follow Office procedure and require a substitute specification, since the application included preliminary amendments to the specification on filing. The application is a National Stage entry of a PCT application and the filing date is the international filing date, thus the preliminary amendment is not a preliminary amendment received on the filing date of the application.[2]

It would greatly benefit the Office if **applicant did not provide copies of papers**, which were previously submitted and/or **a complete copy of the pre-grant publication**, as it unnecessarily increases the cost to the Office. See 37 CFR 1.4(b). A request for corrected publication need only point out what was printed incorrectly in the application, where the error occurs in the publication and where the correct text or drawing is found in the application papers. Marked up relevant copies of the applications papers and the pre-grant publication may facilitate processing of the request, where it is not readily apparent where the error occurs. If it is not clear why the error is a material error, further explanation may be warranted.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.22(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirement 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".

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

[2] Revised Procedure for Preliminary Amendments Presented on Filing of a Patent Application, 1300 OG 69 (Nov. 8, 2005).

- 1 OCT 2010

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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

In re Application of	:	
SCHEINER et al.	:	
Application No.: 12/311,489	:	DECISION
PCT No.: PCT/AU2007/001456	:	
Int. Filing Date: 02 October 2007	:	
Priority Date: 02 October 2006	:	
Attorney's Docket No.: PTB-4398-962	:	
For: CUSHION FOR MASK SYSTEM	:	

This decision is in response to applicants' submissions filed 09 April 2009, 15 December 2009 and 15 January 2010 in the United States Patent and Trademark Office (USPTO). The submission filed 15 January 2010 includes a contingent petition under 37 CFR 1.47(a). This petition is **DISMISSED** as **MOOT**.

BACKGROUND

On 02 October 2007, applicants filed international application PCT/AU2007/001456, which designated the U.S. and claim a priority date of 02 October 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 10 April 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 02 April 2009.

On 01 April 2009, 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 copy of a declaration filed in the international application under PCT Rule 4.17(iv).

On 15 June 2009, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 09 April 2009, applicants filed a response urging that the declaration of inventors filed 01 April 2009 was in compliance with 37 CFR 1.497(a)-(b). This response has properly been treated as a petition under 37 CFR 1.181.

On 02 October 2009, the DO/EO/US mailed a NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) indicating, *inter alia*, that the declaration of inventors filed 01 April 2009 does not identify the application to which it is directed and is not signed by inventor Timothy Nelson, and that a new declaration of inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) were required.

On 15 December 2009, applicants filed a request for reconsideration of the petition under 37 CFR 1.181 filed 09 April 2009.

On 15 January 2010, applicants filed a submission including a new declaration of inventors and a contingent petition under 37 CFR 1.47(a).

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.

Petition Under 37 CFR 1.181

The declaration of inventors filed under PCT Rule 4.17(iv) submitted in the international phase and signed by Timothy Shawn Nelson is sufficient. This declaration is available in the PATENTSCOPE database on the WIPO website (http://www.wipo.int/pctdb/en/search-adv.jsp).

The declaration of inventors filed 15 January 2010 signed by five of the six joint inventors is in compliance with 37 CFR 1.497(a)-(b).

The declaration of inventors filed PCT Rule 4.17(iv) submitted in the international phase and signed by five of the six joint inventors is not in compliance with 37 CFR 1.497(a)-(b) because it does not identify the application to which it was directed. Attention is directed to the instructions in the Request (Form PCT/RO/101) for Box No. VIII(iv) which state that where "**the declaration** was not included in the request, but **is furnished later**, the PCT application number MUST be indicated within the text of Box No. VIII(iv)" (emphasis in original). The copy of the PCT Rule 4.17 declaration filed 01 April 2009 was not included in the request but was furnished later. (The date of execution is after the international filing date.)

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **DISMISSED** as **MOOT**.

For the above reasons, the petition under 37 CFR 1.181 is **DISMISSED** without prejudice.

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 of **15 January 2010**.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

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JUL 11 2011
OFFICE OF PETITIONS

JONES DAY
222 EAST 41ST ST.
NEW YORK, NY 10017

Applicant: Pfeifer, et al.
Appl. No.: 12/311,505
International Filing Date: October 2, 2007
Title: ANTIBODIES
Attorney Docket: 12593-007-999
Pub. No.: US 2010/0150906 A1
Pub. Date: June 17, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on August 17, 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 wherein the preliminary amendment filed with the application on April 1, 2009, were 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 error in not publishing the correct priority data on the front page of the publication as printed in the Corrected Filing Receipt is not an Office mistake. Applicant has not submitted an amendment to the benefit claim in accordance with 37 CFR 1.121 and 37 CFR 1.78 to reflect the priority listed in the Corrected Filing Receipt. An error in the foreign priority data on the front page of the publication is not a material mistake because it does not affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

[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 Corrected Filing Receipts mailed by the Office on April 20, 2010 and May 10, 2010 were done in error. Applicant has not submitted a benefit claim to the Office stating that this application is a continuity in part of PCT/EP2006/011862. Applicant has not submitted a benefit claim to the Office stating that this application is a continuity in part of PCT/US2007/073504. Applicant is reminded of his duty to conduct a reasonable inquiry before filing a paper before the Office. See MPEP 410. A Corrected Filing Receipt correcting the benefit claim will be mailed by the Office.

Applicant is reminded of his duty to conduct a reasonable inquiry before filing a paper before the Office. See MPEP 410.

Pursuant to 37 CFR 1.78(a)(2), the specific reference must identify the parent application by application number and indicate the relationship to the parent application (i.e., "continuation" or "continuation-in-part"). Accordingly, any benefit claim that does not both identify a prior application by its application number and specify a relationship between the applications will not be considered to contain a specific reference to a prior application as required by 35 U.S.C. 120. As stated in MPEP 201.11, applicant must specify whether the application is a continuation, divisional, or continuation-in-part of the prior application. The terms are exclusive. An application cannot be both a continuation and a divisional or a continuation and a continuation-in-part of the same application. Moreover, if the benefit of more than one nonprovisional application is claimed, then the relationship between each application (i.e., continuation, divisional, or continuation-in-part) must be specified in order to establish copendency throughout the entire chain of prior-filed applications. This reference must also be submitted within the later of four months from the actual filing date of the later-filed application or sixteen months from the filing date of the prior-filed application.

In order to make a late benefit claim to the earlier filed applications, applicant may be able to submit a petition to accept an unintentionally delayed claim under 35 U.S.C. 119 and 120 for the benefit of the earlier filed applications. A petition pursuant to 37 CFR 1.55 or 37 CFR 1.78 must include 1) the surcharge ($1410) set forth in 37 CFR 1.14(t) and 2) a statement that the entire delay between the date the claim was due under paragraph (a)(5) of this section and the date the claim was filed was unintentional. The petition must also include a proper reference to the prior applications in order for the petition to be granted.

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

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/311,536	04/02/2009	Satoshi Ueoka	09180/HG	2744

1933 7590 01/24/2011

HOLTZ, HOLTZ, GOODMAN & CHICK PC
220 Fifth Avenue
16TH Floor
NEW YORK, NY 10001-7708

EXAMINER	
EKIERT, TERESA M	

ART UNIT	PAPER NUMBER
3725	

MAIL DATE	DELIVERY MODE
01/24/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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HOLTZ, HOLTZ, GOODMAN & CHICK PC
220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

In re Application of:
UEOKA, SATOSHI et al
Serial No.: 12/311,536
Filed: Apr. 2, 2009
Docket: 09180/HG
Title: METHOD FOR COOLING HOT STRIP

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::

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY (PPH) AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed Jan. 20, 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 Dana Ross, SPE of Art Unit 3725, and 571-272-4480 for Class 72/342.500 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/311,592	04/03/2009	Richard D. Breault	PA-0002451-WO	1031

7590 03/30/2011

M P Williams
210 Main Street
Manchester, CT 06042

EXAMINER	
WILLS, MONIQUE M	

ART UNIT	PAPER NUMBER
1728	

MAIL DATE	DELIVERY MODE
03/30/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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Mailed: 3/30/2011

In re application of :
Breault : DECISION ON
Serial No. 12/311,592 : PETITION
Filed: April 3, 2009 :
For: **LIQUID ELECTROLYTE FUEL CELL HAVING AN ANODE SUBSTRATE LAYER THICKER THAN THE CATHODE SUBSTRATE LAYER**

This is a decision on the PETITION FILED UNDER 37 CFR 1.181 on March 18, 2011, to withdraw the final status of the Office Action dated March 15, 2011 and to grant Applicant's request for an interview. Applicant requests that the Final Rejection should be withdrawn as premature under MPEP 706.07(d) and 706.07(e). Applicant further asserts that an interview would have made it clear that the principal reference is totally irrelevant to the claims.

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 Final Office Acton did not introduce a new ground of rejection.

DECISION

The petition for withdrawal of finality is **DENIED.**

The request for an interview is granted and the Examiner is directed to contact the Applicant for an interview.

/W. GARY JONES/
W. Gary Jones
Director, Technology Center 1700
Chemical and Materials Engineering

M P Williams
210 Main Street
Manchester CT 06042

Doc Code: PPH.PET.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.:	12/311,600	Filing Date:	April 2, 2009
First Named Inventor:	Mustafa Naci Öztürk		
Attorney Docket No.:	LPL 3.3-005		
Title of the Invention:	METHOD OF GENERATING ROTATION ABOUT AN OUTPUT AXIS AND MOTOR FOR GENERATING ROTATION ABOUT AN OUTPUT AXIS		

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 PATENT 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.

The corresponding PCT application number(s) is/are: PCT/IB2006/054206

The international date of the corresponding PCT application(s) is/are: November 13, 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.
- [x] 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.
- [x] Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. 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.**

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

- [ ] Is attached.
- [x] Has already been filed in the above-identified U.S. application on June 23, 2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

- [ ] Are attached.
- [x] Have already been filed in the above-identified U.S. application on June 23, 2010

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO
(continued)

Application No.:	12/311,600
First Named Inventor:	Mustafa Naci Öztürk

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Substantially identical with informality corrected
2-3	2-3	Identical
4-7	4-7	Substantially identical with multiple dependencies removed
8	8	Identical
9-11	9-11	Substantially identical with multiple dependencies removed
12	12	Identical
13	13	Substantially identical with multiple dependencies removed
14-16	14-16	Identical
17-19	17-19	Substantially identical with multiple dependencies removed
20	20	Substantially identical with informality corrected
21-23	21-23	Identical
24-28	24-28	Substantially identical with multiple dependencies removed
29	29	Identical
30-40	30-40	Substantially identical with multiple dependencies removed
41	41	Identical
42	42	Substantially identical with multiple dependencies removed
43	43	Identical
44-47	44-47	Substantially identical with multiple dependencies removed
48-50	48-50	Identical
51	51	Substantially identical with multiple dependencies removed

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	/Davy E. Zoneraich/	Date	October 12, 2010
Name (Print/Typed)	Davy E. Zoneraich	Registration Number	37,267

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: October 12, 2010 Electronic Signature for Davy E. Zoneraich: /Davy E. Zoneraich/

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/311,600	04/02/2009	Mustafa Naci Öztürk	LPL 3.3-005	5346

530 7590 11/18/2010

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

EXAMINER	
ART UNIT	PAPER NUMBER
3656	

MAIL DATE	DELIVERY MODE
11/18/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

NOV 18 2010

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Alexandria, VA 22313-1450
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LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD NJ 07090

In re application of
Mustafa Naci Ozturk
Application No. 12/311,600
Filed: April 2, 2009
For: METHOD OF GENERATING ROTATION ABOUT AN OUTPUT AXIS AND MOTOR FOR GENERATING ROTATION ABOUT AN OUTPUT AXIS

: **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 12, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the EPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted via EFS-Web as is required, the request to participate in the PPH program complies with the above requirements, the above-identified application has been accorded "special" status.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

BM/BM: 11/17/10

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United States Patent and Trademark Office
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HOLTZ, HOLTZ, GOODMAN & CHICK PC
220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

MAILED

MAY 25 2011

PCT LEGAL ADMINISTRATION

In re Application of :
KAJINO, et al. :
U.S. Application No.: 12/311,610 :
Int'l Filing Date: 08 February 2008 :
Att. Docket No.: 07031US/HG :
For: CRYSTALLINE FORMS OF ... :
ITS MANUFACTURING METHOD :

DECISION

This is a decision on the petition under 37 CFR 1.78(a)(6), filed 08 February 2011, to accept an unintentionally delayed claim for priority.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed application is submitted after expiration of the period specified in 37 CFR 1.78(a)(5)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(6).

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(5)(ii). In addition, the petition under 37 CFR 1.78(a)(6) must be accompanied by:

(1) the reference required by 119(e) and 37 CFR 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(6) in that (1) a reference to the prior-filed application has been included in an amendment, as provided by 37 CFR 1.78(a)(5)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a proper statement of unintentional delay. Accordingly, having found that the petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. 119(e) to the prior-filed applications satisfies the conditions of 37 CFR 1.78(a)(6), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed 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 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 application, accompanies this decision on petition.

Any questions concerning this matter may be directed to Erin Thomson at (571) 272-3292. 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 1626 for appropriate action, including consideration by the examiner of the claim for benefit of the prior-filed application.

/Boris Milef/

Boris Milef
Legal Examiner
Office of PCT Legal Administration

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COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN NY 11576

MAILED
APR 08 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	
HENDEL et al	:	DECISION ON
Application No.: 12/311,611	:	
Int. Application: PCT/EP2008/060877	:	
Int. Filing Date: 12 October 2007	:	REQUEST UNDER
Priority Date: 13 October 2006	:	
Attorney's Docket No.: HENDEL ET AL- 1PCT	:	
For: METHOD OF PRODUCING... RED	:	37 CFR 1.497(d)

This is a decision on applicants' "REQUEST TO CHANGE INVENTORSHIP UNDER 37 CFR 1.497(d)," filed on 06 April 20009 to add joint inventor Sven Klaus BROGIS on the executed declaration.

BACKGROUND

On 06 April 2009, applicant filed a Transmittal Letter for entry into the national stage in the United States of America. Filed with the Transmittal Letter was, inter alia, the requisite basic national fee.

Also filed on such date was a request under 37 CFR 1.497(d) which included, *inter alia*, an executed declaration and a request to add co-inventor Sven Klaus BROGIS, who was not originally listed in the PCT application, as a co-inventor in the above-identified patent application.

DISCUSSION

A submission under 37 CFR 1.497(d) must include:

(1) a statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;

(2) the fee set forth in § 1.17(i); and

(3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see 37 CFR §3.73(b) of this chapter).

A review of the application file reveals that applicants have satisfied items (1) - (3) under 37 CFR 1.497(d).

With respect to item (1), the statement submitted by Sven Klaus BROGIS is sufficient because the statement states that the error in inventorship occurred without a deceptive intent.

With respect to item (2), the processing fee of $130.00 has been submitted.

With respect to item (3), Hendel Textilveredelung, the assignee, consents to the correction of inventorship to the above application and it has filed in the requisite papers establishing their right to take action under 37 CFR §3.73(b).

Accordingly, the request is deemed to satisfy requirements (1), (2), and (3) under 37 CFR 1.497(d).

CONCLUSION

For the reasons above, the request under 37 CFR 1.497(d) is **GRANTED.**

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing consistent with this decision.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 272-0459

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KANESAKA BERNER AND PARTNERS LLP
1700 DIAGONAL RD
SUITE 310
ALEXANDRIA VA 22314-2848

MAILED

AUG 16 2011

OFFICE OF PETITIONS

In re Application of	:	
Tomohiro Numajiri, et al.	:	
Application No. 12/311,627	:	DECISION GRANTING PETITION
Filed: April 7, 2009	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. OLI-041	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, August 9, 2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on July 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 3654 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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DEC 03 2010

PCT LEGAL ADMINISTRATION

MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON DC 20006

In re Application of JOGE et al.
Application No.: 12/311,733
PCT No.: PCT/US07/21739
Int. Filing: 11 October 2007
Priority Date: 11 October 2006
Attorney Docket No.: 15651.004.00
For: PHOTOVOLTAIC SOLAR MODULE COMPRISING BIFACIAL SOLAR CELLS

: DECISION ON
: PETITION
:UNDER 37 CFR 1.47(a)

This is a decision on applicant's renewed Petition Under 37 CFR 1.47(a) filed in the United States Patent and Trademark Office on 29 September 2010. Petitioner's request for a one month extension of time is granted.

BACKGROUND

On 28 October 2009, 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 27 May 2010, applicant filed a response to the 905 along with a petition under 37 CFR 1.47(a) and 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 TOSHIO JOGE, alleging that the inventor refuses to sign the application. On 20 July 2010, a decision dismissing the petition was mailed to applicant.

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 non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

Applicant previously satisfied Items (1), (2) and (4) above.

With respect to Item (2), MPEP Section 409.03(d) II. Refusal to Join, states in pertinent 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 the conclusion is based should be stated in a 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 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.

(Emphasis added.)

Here, the renewed petition is accompanied by statements of first hand knowledge from co-inventor Rodolfo Janos Magasrevy and attorney of record Mark R. Kresloff. For the reasons set forth in the decision mailed on 20 July 2010, the statement and emails of inventor Magasrevy do not provide sufficient evidence that the nonsigning inventor refused to sign the application papers. While Mr. Magasrevy indicates his recollection of the presentation of the application papers prior to the presentation of the declaration, the content of his emails do not support his recollection that a complete copy of the application was presented to the nonsigning inventor when his signature was requested on the declaration.

Mr. Kresloff's correspondence of 18 August 2010 was attached to his statement dated 29 September 2010. The correspondence indicates that a complete copy of the application papers

were included in the mailing. However, *proof* that the bona fide attempt was made to present a copy of the application to the nonsigning inventor was not provided. Federal Express delivery information confirming that the inventor did, in fact, receive these papers is necessary to conclude that the nonsigning inventor was presented with a complete copy of the application papers and that he refuses to sign them. *See* Section 409.03(d) of the Manual of Patent Examining Procedure (MPEP). 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 is needed. Item (2) is not yet satisfied.

Petitioner has not satisfied the requirements of 37 CFR 1.47(a). Item (2) above remains outstanding. Accordingly, it is inappropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

The petition under 37 CFR §1.47(a) is **DISMISSED WITHOUT PREJUDICE**.

Any reconsideration on the merits of the petition under 37 CFR §1.47(a) must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR §1.47(a)." No 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
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3286

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FEB 18 2011

PCT LEGAL ADMINISTRATION

MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON DC 20006

In re Application of JOGE et al.
Application No.: 12/311,733
PCT No.: PCT/US07/21739
Int. Filing: 11 October 2007
Priority Date: 11 October 2006
Attorney Docket No.: 15651.004.00
For: PHOTOVOLTAIC SOLAR MODULE COMPRISING BIFACIAL SOLAR CELLS

: DECISION ON
: PETITION
: UNDER 37 CFR 1.47(a)

This is a decision on applicant's renewed Petition Under 37 CFR 1.47(a) filed in the United States Patent and Trademark Office on 09 December 2010.

In a decision mailed on 03 December 2010, the renewed petition under 37 CFR 1.47(a) filed on 29 September 2010 was dismissed, without prejudice, because the requirements of 35 U.S.C. 371(c)(4) had not been satisfied.

In response, Petitioner has provided a copy of the Federal Express Tracking statement indicating that Mr. Kresloff's correspondence of 18 August 2010 was delivered to inventor Joge on 21 August 2010 at 12:29 PM. As such, all of the requirements of 37 CFR 1.47(a) have been met.

DECISION

The petition under 37 CFR §1.47(a) is **GRANTED**.

The U.S. Designated/Elected Office has accepted the application as a 37 CFR 1.47(a) application using the declaration filed 27 May 2010. The application has an international filing date of 11 October 2007 under 35 U.S.C. 363, and a date of 27 May 2010 under 35 U.S.C. 371(c).

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his respective last known address of record. Also, a notice of the filing of this application will be published in the Official Gazette.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3286

UNITED STATES PATENT AND TRADEMARK OFFICE

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TOSHIO JOGE
1-15-9
MORIYAMA-CHO
HITACHI-SHI
IBARAKI-KEN 316-0025
JAPAN

MAILED

FEB 18 2011

PCT LEGAL ADMINISTRATION

In re Application of
JOGE et al.
Serial No.: 12/311,733
PCT No.: PCT/US07/21739
Int. Filing: 11 October 2007
Priority Date: 11 October 2006
Attorney Docket No.: 15651.004.00
For: PHOTOVOLTAIC SOLAR MODULE COMPRISING BIFACIAL SOLAR CELLS

Dear Dr. Joge:

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.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Telephone: (571) 272-3286
Facsimile: (571) 273-0459

MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON DC 20006

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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

MAILED
FEB 06 2012
OFFICE OF PETITIONS

In re Application of:
Harada et al.
Application No. 12/311,788
Filed: April 14, 2009
Attorney Docket No. 141302

: 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 December 2, 2011, to make the above-identified application special.

The request and petition are **DENIED**.

Examination of the above-identified U.S. application has begun and therefore the request from applicant to participate in the PPH program is denied. A non-final Office action was mailed December 19, 2011 in the above-identified application.

Telephone inquiries concerning this decision should be directed to Joan Olszewski at 571-272-7751.

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

02 SEP 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

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www.uspto.gov

Jayantha Liyanage
14/7 Dharmapala Avenue
Pollatthapitiya, Kurunegala
SRI LANKA

In re Application of	:	
LIYANAGE	:	
Application No.: 12/311,797	:	
PCT No.: PCT/IB2007/002723	:	DECISION ON PETITION
Int. Filing Date: 20 September 2007	:	
Priority Date: 21 September 2006	:	UNDER 37 CFR 1.137(b)
Atty. Docket No.: None	:	
For: SPACECRAFT ELECTRIC REGENERATOR	:	

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 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 19 May 2010 satisfied the requirement of 37 CFR 1.137(b)(3).

A review of the renewed petition reveals that applicant has now provided payment of the full, U.S. Basic National fee and petition fee 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.

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

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.
12/311,865	04/16/2009	Shinji Ichikawa	141317	3425

25944 7590 06/14/2011

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER	
AMRANY, ADI	

ART UNIT	PAPER NUMBER
2836	

NOTIFICATION DATE	DELIVERY MODE
06/14/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

OfficeAction25944@oliff.com
jarmstrong@oliff.com

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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

In re Application of
ICHIKAWA et al.
Application No.: 12/311,865
Filed: 16 April 2009
Attorney Docket No.: 141317
For: CONTROL DEVICE OF POWER SUPPLY CIRCUIT

: 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 07 June 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is
    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim;
2. Applicant must submit a copy of:

a. The allowable/patentable claim(s) from the JPO application(s);
b. An English translation of the allowable/patentable claim(s) and
c. A statement that the English translation is accurate;

3. Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
      ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
   c. A statement that the English translation is accurate;
6. Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS, Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. BOX 1450
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COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN NY 11576

MAILED

JUL 19 2011

OFFICE OF PETITIONS

In re Application of :
HERMANN SCHWELLING :
Application No. 12/311,880 : DECISION ON PETITION
Filed: 04/16/2009 :
Attorney Docket No. SCHWELLING -7 PCT :

This is a decision on the petition under 37 CFR 1.181, filed February 2, 2011, and supplemented on March 25, 2011, requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the nonfinal Office action mailed July 30, 2010, which set a three-month shortened statutory period for reply. Extensions of the reply period were available under 37 CFR 1.136(a). A Notice of Abandonment was mailed on February 24, 2011.

Petitioners assert that they did not receive the nonfinal Office action of July 30, 2010, because the USPTO mailed it to an incorrect correspondence address. Specifically, petitioners aver that the USPTO erroneously mailed the Office action to the address associated with the wrong Customer Number 25899 instead of the address associated with the correct Customer Number 25889.

A review of the written record indicates an irregularity in the mailing of the nonfinal Office action mailed July 30, 2010. As the nonfinal Office action was mailed to an incorrect address, the holding of abandonment is hereby withdrawn. Accordingly, the application is restored to pending status.

The correspondence address has been corrected as requested.

Technology Center Art Unit 3725 been advised of this decision. The matter is being referred to the Technology Center's technical support staff for re-mailing of the nonfinal Office action. The three-month shortened statutory period for responding to the nonfinal Office action will be set to run from the date of the re-mailing of the Office action.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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Paper No.

MARK P. STONE
400 Columbus Avenue
Valhalla NY 10595

MAILED

AUG 02 2011

OFFICE OF PETITIONS

In re Application of :
Johan Bram :
Application No. 12/311,885 : DECISION ON
Filed: April 16, 2009 : PETITION
Attorney Docket No. AC-158 :

This is a decision on the PETITION TO WITHDRAW HOLDING OF ABANDONMENT OF PATENT APPLICATION filed June 28, 2011.

By Notice of Abandonment mailed June 24, 2011, applicants were notified that the above-identified application was considered abandoned for failure to timely respond to the Office action mailed December 9, 2010.

In response, applicants filed the instant petition, asserting that Office action was not received. Applicants state that a change of correspondence address was filed on April 16, 2009. Applicants provide proof that the change of correspondence address was received in the Office on that date. However, applicants state the Office action was mailed to the former correspondence address of record.

A review of the application file reveals an irregularity in the mailing of the Office action mailed December 9, 2010. As asserted by applicants, a change of correspondence address was received in the Office on April 16, 2009; however, the address was not updated and the Office action mailed more than a year later was mailed to the former address.

Having considered the evidence, it is concluded that applicants have established non-receipt,

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 3783 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 re-mailing of the Office action originally mailed December 9, 2010 and re-starting of the period for reply.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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WENDEROTH, LIND & PONACK, L.L.P.
1030 15th Street, N.W.,
Suite 400 East
Washington DC 20005-1503

MAILED

JAN 05 2011

PCT LEGAL ADMINISTRATION

In re Application of :
TANAKA, et al. :
Application No.: 12/311,887 : DECISION ON PETITION
PCT No.: PCT/JP2007/070674 (as corrected) :
Int. Filing Date: 17 October 2007 : UNDER 37 CFR 1.181
Priority Date: 18 October 2006 :
Attorney Docket No.: 2009_0615A :
For: METHOD FOR COATING PLASTIC MOLDED ARTICLES :

This decision is in response to applicant's petition under 37 CFR 1.181 to withdraw the holding of abandonment filed 03 December 2010 in the United States Patent and Trademark Office (USPTO). No petition fee is required.

BACKGROUND

On 17 October 2007, applicant filed international application PCT/JP2007/070674 which claimed priority to a previous application filed 18 October 2006. A copy of the international application was transmitted to the USPTO from the International Bureau (IB) on 02 May 2008. 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 18 April 2009.

On 17 April 2009, 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 preliminary amendment; an English translation of the international application; an executed declaration of the inventors; an assignment document for recording and an Information Disclosure Statement. The transmittal letter identified the application as the U.S. National stage filing of international application PCT/JP2007/070674. The application was not electronically filed identifying an alternative international application number.

On 29 November 2010, applicant was mailed a "Notification of Abandonment" (Form PCT/DO/EO/909) informing applicant that the present application was abandoned for failure to provide a copy of the international application prior to the expiration of thirty months from the priority date. The notice identified the application as the U.S. National stage filing of international application PCT/JP2007/000070.

On 03 December 2010, applicant filed the petition discussed herein.

DISCUSSION

A review of the application file finds that all of the papers filed by applicant on 17 April 2009 identify the underlying international application as PCT/JP2007/070674. In addition, the file contains a copy of form PCT/IB/301 indicating that a copy of the international application has been transmitted from the International Bureau to the USPTO. As such, it is proper to grant applicant's petition at this time and withdraw the holding of abandonment.

CONCLUSION

For the reasons detailed above, applicant's renewed petition under 37 CFR 1.181 is **GRANTED**.

The Form PCT/DO/EO/909 mailed 29 November 2010 is hereby **VACATED**.

This application is being returned to the United States Designated/Elected Office (US/DO/EO) for further processing in accordance with this decision including processing the present application as the U.S. National stage filing of international application PCT/JP2007/070674.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

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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.
12/312,000	04/22/2009	Yasushi Akutsu	141377	4503

25944 7590 08/26/2011

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER	
NGUYEN, TRI V	
ART UNIT	PAPER NUMBER
1764	

NOTIFICATION DATE	DELIVERY MODE
08/26/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

OfficeAction25944@oliff.com
jarmstrong@oliff.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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wk

Mailed: 8/26/11

In re application of : DECISION ON
Akutsu et al. : PETITION
Serial No. 12/312,000 :
Filed: 04/22/2009 :
For: **ADHESIVE COMPOSITION**

This is a decision on a PETITION filed May 26, 2011, which has been accepted as a timely petition under 1.59(b) and MPEP 724.02 and is before the Group Director of Technology Center 1700 for consideration.

DECISION

Petitioner requests that the May 13, 2001 Supplemental Information Disclosure Statement be expunged.

The petition is **GRANTED.**

Section 1.59 has been amended to eliminate references to returning documents that have been expunged to recognize that, with electronic Official files, there will be nothing to return when a paper is expunged.

The Office is capturing electronic images of all documents that form the Official file. Where the image is generated from a physical source document, the originating document may be disposed of once the electronic image accuracy is verified. The paper source document will eventually be destroyed under a United States National Archives and Records Administration (NARA) approved schedule. Therefore, if a document is to be expunged from the record, the only operation that will be required will be removal of the image from the Official file.

Paragraph (a)(1) of §1.59 has been amended by deleting the phrase "and returned" from the first sentence, and deleting the second sentence. Paragraph (b) of §1.59 has been amended by deleting the phrase "and return" from each of the first and second sentences. The Office will continue to provide notice in the Official file that a paper has been expunged and the Office will send a decision to the applicant notifying the applicant that the paper has been expunged.

12/312,000

The images will be removed from the Official file.

/Yvonne Eyler/
Director, Technology Center 1700
Chemical and Materials Engineering

Jeffrey R. Bousquet
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

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NOV 15 2010

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ADMINISTRATION

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK, NY 10001-7708

In re Application of :
CASTIGLIONI, et al. :
Application No.: 12/312,007 :
PCT No.: PCT/EP2007/061266 :
Int. Filing Date: 22 October 2007 :
Priority Date: 06 November 2006 :
Atty Docket No.: 09222/MJC :
For: FLUORESCENT COATING FOR HIGH OUTPUT :
LAMPS WITH COLOR TEMPERATURES OF :
LESS THAN 2700 KELVIN :

DECISION ON PETITION

UNDER 37 CFR 1.10

This decision is in response to applicant's renewed petition under 37 CFR 1.1.0(c) filed 09 June 2010 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 27 May 2010, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.10(c) regarding the initial filing date of the above-captioned U.S. National stage application. Applicant was afforded two months to file any request for reconsideration.

On 09 June 2010, applicant filed the present renewed petition.

DISCUSSION

37 CFR 1.10(c) states that an applicant filing correspondence under 37 CFR 1.10 which is received by the USPTO who can show that there is a discrepancy between the "Date-in" date on the Express Mail label and the date accorded by the USPTO may petition the Director to accord a filing date as of the "Date-in" on the mailing label provided that:

(1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS (United States Postal Service) deposit date;

(2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail;" and

(3) The petition includes a true copy of the "Express Mail" mailing label showing the "date-in," and of any other official notation by the USPS relied upon to show the date of deposit.

Applicant previously satisfied items 1 and 2. With the filing of the present renewed petition and accompanying exhibits applicant has satisfied all three items above and it is therefore proper to grant applicant's renewed petition at this time.

CONCLUSION

Applicant's petition under 37 CFR 1.10(c) is **GRANTED**.

The Form PCT/DO/EO/903 mailed 23 November 2009 is hereby **VACATED**.

The application will be given an international filing date of 06 October 2000 under 35 U.S.C. 363 and a date of **22 April 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 (US/DO/EO) for further processing in accordance with this decision, namely the issuance of 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) and Official Filing Receipt indicating a 371 date as detailed above.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

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WENDEROTH, LIND & PONACK, L.L.P.
1030 15TH STREET, N.W.,
SUITE 400 EAST
WASHINGTON, DC 20005-1503

MAILED
AUG 30 2011
OFFICE OF PETITIONS

In re Application of :
Seiji Wada, et al. :
Application No.: 12/312,039 : ON PETITION
Filed: April 23, 2009 :
Attorney Docket No.: 2009_0546A :

This is a decision on the petition, filed August 29, 2011, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 19, 2011, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 1765 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

UNITED STATES PATENT AND TRADEMARK OFFICE

16 AUG 2010

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Staas & Halsey LLP
Suite 700
1201 New York Avenue, N.W.
Washington, D.C. 20005

In re Application of:
HOFMANN et al.
Application No.: 12/312,072
PCT No.: PCT/EP2007/061272
Int. Filing Date: 22 October 2007
Priority Date: 25 October 2006
Attorney Docket No.: 2080.1286
For: METHOD AND ARRANGEMENT FOR POWER CONTROL

DECISION ON PETITION

This decision is issued in response to applicants' "Petition under 37 CFR 1.47" filed 07 July 2010 to accept the application without the signature of joint-inventor, Josef Kolbinger.

BACKGROUND

On 22 October 2007, applicants filed international application PCT/EP2007/061272 which claimed a priority date of 25 October 2006. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 25 April 2009.

On 24 April 2009, applicants filed a U.S. national stage application that included, among other materials, payment of the U.S. basic national fee; a copy of the international application; and a preliminary amendment.

On 07 December 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 07 July 2010, applicants filed the present petition under 37 CFR 1.47(a) and five-month extension of time.

DISCUSSION

Applicants claim that co-inventor Josef Kolbinger refuses to cooperate in the above-captioned application.

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17, (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the nonsigning joint inventor.

Applicants here have submitted the appropriate petition fee. Item (1) is therefore satisfied.

Regarding item (2), the petition asserts that the nonsigning inventor has refused to execute the declaration. Before a refusal to execute the application can be claimed, section 409.03(d) of the MPEP requires that the nonsigning inventor be provided with a copy of the complete application, including specification, drawings and claims. The MPEP also requires "a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made."

The 37 CFR 1.47(a) applicants provided evidence that a complete copy of the subject application (along with several others) was sent to the last known address of the nonsigning inventor on 12 March 2009 via the German Post Office. Further, the subject petition noted that the documents were delivered to Josef Kolbinger's last known address. These materials provide the required firsthand statement regarding the delivery to the nonsigning inventor of a copy of the complete application, and the nonsigning inventor's refusal to execute the application, with documentary evidence supporting the statement. Item (2) is therefore satisfied.

Regarding item (3), applicants have provided the last known address of the nonsigning inventor. Accordingly, item (3) is therefore satisfied.

Regarding item (4), section 409.03(a) of the Manual of Patent Examining Procedure ("MPEP") states that:

> An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the available joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed declarations executed by one of the two inventors and including an unsigned signature box identifying the nonsigning inventor (Josef Kolbinger). This declaration is treated as having been executed by the available inventors on their behalf and on behalf of the nonsigning inventor. Item (4) is therefore satisfied.

For the reasons stated above, it is appropriate to accept the application without the signature of Josef Kolbinger under 37 CFR 1.47(a) at this time.

CONCLUSION

The petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(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(c) will be published in the Official Gazette.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298

UNITED STATES PATENT AND TRADEMARK OFFICE

16 AUG 2010

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United States Patent and Trademark Office
P.O. Box 1450
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Josef Kolbinger
Kirchholzweg 1
Germany

In re Application of:
HOFMANN et al.
Application No.: 12/312,072
PCT No.: PCT/EP2007/061272
Int. Filing Date: 22 October 2007
Priority Date: 25 October 2006
Attorney Docket No.: 2080.1286
For: METHOD AND ARRANGEMENT FOR POWER CONTROL

Dear Josef Kolbinger:

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

Counsel of Record:
Staas & Halsey LLP
Suite 700
1201 New York Avenue, N.W.
Washington, D.C. 20005

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MAY 06 2011

PCT LEGAL ADMINISTRATION

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

In re Application of :
JANDROT-PERRUS, Martine, et al. :
Application No.: 12/312,080 :
PCT App No.: PCT/EP2007/061569 :
Int'l Filing Date: 26 October 2007 : DECISION
Priority Date: 26 October 2006 :
Att. Docket No.: 065691-1550 :
For: ANTI-GLYCOPTROTEIN VI SCFV :
FRAGMENT FOR TREATMENT OF :
THROMBOSIS :

This is in response to attorney's request to withdraw as attorney of record, filed 09 March 2011, requesting permission to withdraw as attorney of record in regard to the above application. Request is **GRANTED**.

A new power of attorney has been furnished, revoking all previous powers of attorney.

For the reasons above, the request to withdraw as agent of record is **GRANTED** as to the practitioners associated with customer number 22428.

A copy of this communication and all future communication will be directed to the address:

MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO IL 60661

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

cc: MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO IL 60661

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KASER, MATTHEW R. BELL, ADAM W.
BELL & ASSOCIATES
58 WEST PORTAL AVENUE #121
SAN FRANCISCO CA 94127

MAILED

APR 28 2011

OFFICE OF PETITIONS

In re Application:	:	
Anstee et al.	:	
Application No. 12/312,104	:	ON PETITION
Filed: April 8, 2010	:	
Attorney Docket No. GB.P1187 US	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed March 14, 2011.

On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/312,148	04/28/2009	Christopher Glazebrook	SCS-5065-47	9421

23117 7590 09/13/2011

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER	
SULTANA, NAHIDA	

ART UNIT	PAPER NUMBER
1743	

MAIL DATE	DELIVERY MODE
09/13/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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SEP 13 2011

wk

Mailed :

In re Application of	:	DECISION ON
Glazebrook	:	PETITION
Serial No. 12/312,148	:	
Filed: April 28, 2009	:	

For: **METHOD AND APPARATUS FOR CONTROLLING THE GEOMETRY OF A COMPOSITE COMPONENT**

This is a decision on the PETITION FILED UNDER 37 CFR 1.144 filed on April 27, 2011. The application was filed under 35 U.S.C. 371. Concurrent with the filing of this petition, Applicant also filed a Pre-Appeal Brief Request

The Examiner issued a restriction on August 17, 2010 to claims 1-26.

Group I, claims 1-16 drawn to a method of controlling geometry of a composite

Group 2, claims 17-26 drawn to product to control geometry of composite.

The Examiner asserts that Groups 1 and 2 do 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 as evidenced by Stewart (US publication 2003/0227107A1). The Examiner made a 35 USC 102(b) and a 35 USC 103(a) rejection using the reference in the Non-Final Office Action of 8/17/10.

Applicant's argues Stewart failed to teach measuring "the position of the pressure actuator and sending feedback signal". Applicant asserts that the Examiner has not met the requirements of PCT Rule 13.1, i.e., evidence establishing that there is no "common technical feature known in the prior art" which could warrant a restriction requirement under the Patent Cooperation Treaty. Applicant states that the cited Stewart reference does not disclose the common technical features of independent claims 1 and 17.

The Examiner contends that the common technical feature "measuring the position of the pressure transmitter to produce feedback signal and moving the pressure transmitter in response to change in the feedback signal" is known. The Examiner noted that even though Stewart failed to explicitly teach measuring the position of the pressure transmitter and sending feedback signal, there is sufficient motivation for one ordinary skill in the art to use a position sensor to control the position of the pressure

transmitter to apply pressure in a specific zone. The Examiner made a Final Rejection on 1/28/11 maintaining the lack of unity.

The Examiner issued a Non-Final Action in response to the pre-appeal conference on 6/29/11. The Examiner cites Scolamiero et al. (US publication 2005/0069600 A1) which teaches a method for controlling geometry of a composite using a position detector for pressure transmitted and feedback signal for moving the pressure transmitter as a response. The Examiner's position that is that it is shown that the common technical feature is known in the prior art and thus this element can not be a special technical feature.

PCT RULE 13.1, provides that the international application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept ("requirement of unity of invention").

PCT RULE 13.2, states 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.

As provided in 37 CFR 1.475(a), a national stage application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept ("requirement of unity of invention"). Where a group of inventions is claimed in a national stage application, the requirement of unity of invention shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features.

The expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art. The Examiner in addition to citing a reference to demonstrate a lack of unity has also made an art rejection to the claims thereby demonstrating that the technical features claimed do not define a contribution over the prior art.

DECISION

The petition is **DENIED**.

The restriction to claims 1-26 based on lack of unity is maintained.

/W. GARY JONES/
Director, Technology Center 1700

Chemical and Materials Engineering

Stanley Spooner
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

MAILED

AUG 27 2010

DIRECTOR OFFICE
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

MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON DC 20006

In re Application of: LEE et al.
Application No. 12312152
Filed: April 28, 2009
For: METHOD OF TRANSMITTING AND RECEIVING DOWNLINK DATA IN WIRELESS COMMUNICATION SYSTEM

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 July 30, 2010, to make the above-identified application special.

The petition is **GRANTED.**

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application is
(a) a Paris Convention application which either
(i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or
(ii) validly claims priority to a PCT application that contains no priority claims,

Or

(b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
(i) validly claims priority to an application filed in the KIPO, or
(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim,

Or

(c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
(i) validly claims priority to an application filed in the KIPO, or
(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim.

Where the KIPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the KIPO application that contains the allowable/patentable claims and the KIPO priority application claimed in the U.S. application;

(2) Applicant must submit a copy of:
a. The allowable/patentable claim(s) from the KR application(s);
b. An English translation of the allowable/patentable claim(s), if the claims were published in a language other than English); and
c. A statement that the English translation is accurate;

(3) Applicant must:
a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s) and
b. Submit a claim correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
a. A copy of all the office action(s) (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
b. An English language translation of the KIPO office action(s) (if the office action(s) are not in the English language); and
c. A statement that the English translation is accurate;

(6) Applicant must submit:
a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and
b. Copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application); and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition are found to comply with all the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Chau Nguyen at 571-272-3126

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Chau Nguyen/

Chau Nguyen
Quality Assurance Specialist
Technology Center 2400

UNITED STATES PATENT AND TRADEMARK 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.
12/312,152	04/28/2009	Young Dae Lee	8737.156.00	6580

30827 7590 08/27/2010
MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON, DC 20006

EXAMINER	
HOPKINS, MATTHEW A	

ART UNIT	PAPER NUMBER
2463	

MAIL DATE	DELIVERY MODE
08/27/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Decision Date : January 5, 2012

In re Application of :

Israel Nur

Application No : 12312221

Filed : 30-Apr-2009

Attorney Docket No : 30141U

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed January 5, 2012

The request is **APPROVED.**

The request was signed by Susanne M. Hopkins (registration no. 33247) on behalf of all attorneys/agents associated with Customer Number 20529 . All attorneys/agents associated with Cusotmer Number 20529 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 Omrix Biopharmaceuticals Ltd.
Name2
Address 1 Weizmann Science Park
Address 2 14B Einstein Street
City Nes-Ziona
State
Postal Code 74036
Country IL

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

Doc Code: PET.AUTO **Document Description: Petition automatically granted by EFS-Web**	PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS**
Application Number	12312221
Filing Date	30-Apr-2009
First Named Inventor	Israel Nur
Art Unit	3725
Examiner Name	MARK ROSENBAUM
Attorney Docket Number	30141U
Title	METHOD OF MICRONIZATION

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 20529

The reason(s) for this request are those described in 37 CFR:

10.40(c)(5)

Certifications

☒ I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment

☒ I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled

☒ I/We have notified the client of any responses that may be due and the time frame within which the client must respond

Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:

Name	Omrix Biopharmaceuticals Ltd.
Address	Weizmann Science Park 14B Einstein Street
City	Nes-Ziona
State	
Postal Code	74036
Country	IL

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Susanne M. Hopkins/
Name	Susanne M. Hopkins
Registration Number	33247

UNITED STATES PATENT AND TRADEMARK 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.
12/312,239	04/01/2011	Nicola Grassi	NOTAR-072US	3810

7663 7590 11/02/2011

STETINA BRUNDA GARRED & BRUCKER
75 ENTERPRISE, SUITE 250
ALISO VIEJO, CA 92656

EXAMINER	
MARC-COLEMAN, MARTHE Y	
ART UNIT	**PAPER NUMBER**
3661	
MAIL DATE	**DELIVERY MODE**
11/02/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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NOV - 2 2011

STETINA BRUNDA GARRED & BRUCKER
75 ENTERPRISE, SUITE 250
ALISO VIEJO CA 92656

In re application of
Nicola Grassi
Application No. 12/312,239
Filed: April 1, 2011
For: SYSTEM AND METHOD FOR DETECTION OF AVERAGE SPEED OF VEHICLES FOR TRAFFIC CONTROL

: **DECISION ON REQUEST TO**
: **PARTICIPATE IN PATENT**
: **PROSECUTION HIGHWAY**
: **PROGRAM AND PETITION**
: **TO MAKE SPECIAL UNDER**
: **37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed April 1, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the EPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the EPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the EPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest Office action from each of the EPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the EPO examiner in the EPO Office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the preliminary amendment filed April 1, 2011. The request to participate in the PPH pilot program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 10/31/11

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17 AUG 2010

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CLARK & BRODY
1700 Diagonal Road, Suite 510
Alexandria VA 22314

In re Application of :
SONG :
U.S. Application No.: 12/312,247 :
PCT No.: PCT/KR2007/005521 : DECISION ON PETITION
Int. Filing Date: 02 November 2007 :
Priority Date: 03 November 2006 : UNDER 37 CFR 1.138(d)
Attorney's Docket No.: 12214-0018 :
For: PLASTIC-THIN META FILM AND METHOD :
FOR PREPARING THE SAME :

This decision is in response to applicant's "Petition for Express Abandonment Under 37 CFR 1.138(d) to Obtain a Refund" filed 02 September 2009 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 02 November 2007, applicant filed international application PCT/KR2007/005521, which claimed priority of an earlier application filed 03 November 2006. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 08 May 2008. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 03 May 2009.

On 01 May 2009, applicant filed a transmittal letter for entering the U.S. national stage under 35 U.S.C. 371 accompanied by: payment of the U.S. Basic National Fee and an executed declaration of the inventors.

On 02 September 2009, applicant filed a petition under 37 CFR 1.138(d) seeking to expressly abandon the above-captioned application for the purposes of obtaining a refund of the search and examination fees filed on 01 May 2009.

DISCUSSION

Applicant is advised that by its terms 37 CFR 1.138(d) only applies to, "an application filed under 35 U.S.C. 111(a) and § 1.53(b) on or after December 8, 2004." As the present application is a U.S. National stage filing under 35 U.S.C. 371 the petition cannot be granted and application 12/312,247 is not considered abandoned.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.138(d) is **DISMISSED**.

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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DEC 21 2011

OFFICE OF PETITIONS

William W Jones
Patent Cousel
6 Juniper Lane
Madison CT 06443

In re Patent No. 8,048,581 :
Issue Date: November 1, 2011 : DECISION ON PETITION
Application No. 12/312,294 : UNDER 37 CFR 3.81
Filed: May 5, 2009 :
Attorney Docket No. PA-0002075-WO :

This is a decision on the Certificate of Correction Transmittal, filed November 28, 2011, requesting, in effect, that the Title Page of the subject patent be corrected, via a Certificate of Correction under 37 CFR 1.322, to identify the correct name of the assignee. The Petition has been treated as a petition under 37 CFR 3.81 for correction of the assignee name after payment of the Issue Fee. A completed Certificate of Correction form was submitted with the petition.

The petition under 37 CFR 3.81 is **DISMISSED**.

Petitioner requests that the Title Page of the above-identified patent be corrected, via the issuance of a Certificate of Correction, to correct the name of the assignee identified thereon from "VTC Power Corporation, So. Windsor, CT (US)" to:

--UTC Power Corporation, So. Windsor, CT (US)--.

37 CFR 3.81(b), effective June 25, 2004, reads:

> *After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

A review of the Part B – FEE(S) TRANSMITTAL, submitted with the payment of the Issue Fee on September 14, 2011, reveals that what the Office interpreted as the name of the assignee, i.e., "VTC POWER CORPORATION", had been handwritten in Item 3 of the Transmittal. The first letter of this handwritten indication was obviously understood to be the letter "V", as opposed to the letter --U--, on the basis that this handwritten letter significantly resembles the letter "V". As such, the Office identified the name of the assignee on the Title Page of the patent as it understood the name of the assignee to be based upon the appearance of the handwritten indication of the assignee name presented in Item 3 of the Transmittal. This matter is correctable

under 37 CFR 3.81(b), via a Certificate of Correction under 37 CFR 1.323. In addition, the requite $100.00 fee (Fee Code 1811), as set forth under in 37 CFR 1.20(a), and the requisite $130.00 processing fee (Fee Code 1464), as set forth under 37 CFR 1.17(i), were not submitted with the petition.

Lacking compliance with the provisions of 37 CFR 3.81(b), the present petition must be dismissed.

Inquiries related to this communication should be directed to Brian W. Brown at (571) 272-5338.

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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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK NY 10004

MAILED
OCT 28 2011
OFFICE OF PETITIONS

In re Application of :
Natsuko Sugiura et al :
Application No. 12/312,325 : DECISION GRANTING PETITION
Filed: May 4, 2009 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 52433/1009 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed October 27, 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 1733 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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FITCH EVEN TABIN & FLANNERY
PO BOX 18415
WASHINGTON DC 20036

MAILED
JAN 26 2012
OFFICE OF PETITIONS

In re Application of	:	DECISION
Nishimura, et al.	:	ON PETITION
Application No. 12/312,370	:	
Filed: May 7, 2009	:	
Attorney Docket Number: 8094/91789	:	

This is in response to the petition under 37 CFR 1.84, filed May 7, 2009, for acceptance of color photographs.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled, "Renewed Petition under 37 CFR 1.84(a)(2)". No further petition fee is required for a renewed petition.

37 CFR 1.84(b)(2) states that color photographs will be accepted if the conditions for accepting color drawings and black and white photographs have been satisfied under 37 CFR 1.84(a)(2) and 37 CFR 1.84(b)(1).

A grantable petition under 37 C.F.R. 1.84(a)(2) to accept color drawings 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.

Lastly, 37 CFR 1.84(b)(1) states that the Office will accept photographs when the photographs are the "only practical medium for illustrating the claimed invention."

Here, the Office has determined that color photographs for Figures 1 and 2 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.

A petition under 37 CFR 1.84 requires a $130 petition fee. That fee has been charged to Deposit Account No. 06-1135, as authorized.

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

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

23859
BALLARD SPAHR LLP
999 Peachtree Street,.
Suite 1000
Atlanta, GA 30309-3915

MAILED

JAN 07 2011

PCT LEGAL ADMINISTRATION

In re Application of :
KANELLOPOULOS *et al* :
U.S. Application No.: 12/312,385 :
PCT No.: PCT/GB2007/004253 :
Int. Filing Date: 08 November 2007 :
Priority Date: 08 November 2006 : **DECISION**
Attorney Docket No.: 02157.0056U1 :
For: DETECTING A DISTURBANCE IN THE PHASE OF LIGHT PROPAGATING IN AN OPTICAL WAVEGUIDE :

This decision is in response to applicants' petition under 37 CFR 1.47(a) filed 12 May 2010.

BACKGROUND

On 07 May 2009, applicants filed papers to enter the national stage of PCT/GB2007/004253.

On 12 May 2010, applicants filed the subject petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a declaration by Mr. Phil Malam (Exhibit A); a $200.00 petition fee; a declaration executed by one of the inventors, and documentary evidence in support of the petition (Exhibits B - P).

DISCUSSION

Applicants claim that Dr. Sotiris Emil KANELLOPOULOS 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.

Applicants submitted a $200.00 petition fee. The last known address of the nonsigning inventor is listed in the petition. A declaration signed by one of the two named inventors was provided. This declaration complies with 37 CFR 1.497(a) and

(b) and satisfies the requirements of MPEP § 409.03(a)(A).

Therefore, items (1), (3) and (4) of 37 CFR 1.47(a) are satisfied.

Regarding item (2) of 37 CFR 1.47(a), applicants provided a statement of facts by Mr. Phil Malam detailing the steps taken to obtain the cooperation of Dr. KANELLOPOULOS. Documentary evidence in support of the statement of facts was provided as required. Applicants conclude that the nonsigning inventor's "pattern of conduct, including failing to sign the inventorship declaration despite repeated requests that he do so, constitutes a refusal by Dr. Kanellopolos to sign the inventorship declaration and join in the application."

However, MPEP § 409.03(d)(II) requires that for a refusal to be accepted, the 37 CFR 1.47(a) applicants must show that a complete copy of the application, including specification, claims and drawings, were presented (or attempted to be presented) to the nonsigning inventor. In this case, the 37 CFR 1.47(a) applicants have provided no such evidence. There is no indication in any of the correspondence provided that a complete copy of the subject application was provided to the nonsigning inventor, or his attorney.[1]

As such, item (2) 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.

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

[1] It is noted that the declaration requires that the inventor attest that they have reviewed and understand the contents of the specification, including the claims, as amended by any amendment.

Legal Administration.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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22832
K&L GATES LLP
State Street Financial Center
One Lincoln Street
Boston, MA 02111-2950

MAILED

MAY 03 2011

PCT LEGAL ADMINISTRATION

In re Application of
SHATALIN *et al*
U.S. Application No.: 12/312,385
PCT No.: PCT/GB2007/004253
Int. Filing Date: 08 November 2007
Priority Date: 08 November 2006
Attorney Docket No.: BWT-001
For: DETECTING A DISTURBANCE IN THE PHASE OF LIGHT PROPAGATING IN AN OPTICAL WAVEGUIDE

DECISION

This decision is in response to applicants' renewed petition under 37 CFR 1.47(a) filed 07 March 2011.

BACKGROUND

On 07 January 2011, a decision dismissing applicants' petition under 37 CFR 1.47(a) was filed. Applicants were given two months to respond.

On 07 March 2011, applicants filed the subject response.

DISCUSSION

Applicants claim that Dr. Sotiris Emil KANELLOPOULOS refuses to cooperate.

Item (2) of 37 CFR 1.47(a) was held not to be satisfied by the prior decision mailed 07 January 2011 as there was no indication that a complete copy of the subject application was provided to the nonsigning inventor, or his attorney. As such, a refusal to cooperate by conduct could not be shown.

In the renewed response, the 37 CFR 1.47(a) applicants state that a copy of the subject application was provided to the attorney (Olswang) for the nonsigning inventor. The 37 CFR 1.47(a) applicants claim that the letter sent to Olswang (Exhibit I) dated 29 October 2009 indicates that a copy of the "patent specification and the filed amendments to the specification" were included. Olswang verified that they received these documents in a letter dated 09 November 2009 (Exhibit L).

This evidence is sufficient to show that a complete copy of the subject

application was presented to the agent for the nonsigning inventor. Moreover, a review of the evidence submitted with the initial petition on 12 May 2010 demonstrates that the conduct of Dr. KANELLOPOULOS constitutes a refusal by conduct as contemplated by MPEP § 409.03(d)(II). Item (2) of 37 CFR 1.47(a) is now satisfied.

All items of 37 CFR 1.47(a) are now complete.

CONCLUSION

Applicants' renewed 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 and will be published in the Official Gazette.

The power of attorney and revocation of prior powers filed on 12 May 2010 has been accepted. The Customer Number has been changed to 022832 and the attorney docket number is BWT-001.

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
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Mr. KANELLOPOULOS
88 Fleet Road,
London NW3 2QT
United Kingdom

MAILED

MAY 03 2011

PCT LEGAL ADMINISTRATION

In re Application of
SHATALIN *et al*
U.S. Application No.: 12/312,385
PCT No.: PCT/GB2007/004253
Int. Filing Date: 08 November 2007
Priority Date: 08 November 2006
Attorney Docket No.: BWT-001
For: DETECTING A DISTURBANCE IN THE PHASE OF LIGHT PROPAGATING IN AN OPTICAL WAVEGUIDE

Mr. KANELLOPOULOS:

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
State Street Financial Center
One Lincoln Street
Boston, MA 02111-2950

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

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 contains 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.:	12/312,428-Conf. #2832	Filing Date:	December 31, 2009
First Named Inventor:	Yasuhisa Nakajima		
Title of the Invention:	COMMUNICATION SYSTEM, TRANSMITTER, RECEIVER, COMMUNICATION METHOD, PROGRAM, AND COMMUNICATION CABLE		

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 PATENT 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.

The corresponding PCT application number(s) is/are: PCT/JP2007/071600

The international date of the corresponding PCT application(s) is/are: November 7, 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)**

[x] 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).**

[x] 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. 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.**

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

[ ] Is attached.

[x] Has already been filed in the above-identified U.S. application on May 6, 2009

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

[ ] Are attached.

[x] Have already been filed in the above-identified U.S. application on May 6, 2009

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 contains a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO
(continued)

Application No.:	12/312,428-Conf. #2832
First Named Inventor:	Yasuhisa Nakajima

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-9	1-9	Identical
10*	10	*Claim 10 in the U.S. application has been cancelled
11-16	11-16	Identical
17-18*	17-18	*Claims 17-18 in the U.S. application have been cancelled
19-32	19-32	Identical
33-34*	33-34	*Claims 33-34 in the U.S. application have been cancelled

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	/Andrew T. Zidel/	Date	October 12, 2010
Name (Print/Typed)	Andrew T. Zidel	Registration Number	45,256

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: October 12, 2010 Signature: /Andrew T. Zidel/ (Andrew T. Zidel, Esq.)

UNITED STATES PATENT AND TRADEMARK 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.
12/312,428	12/31/2009	Yasuhisa Nakajima	SONYJP 3.3-1573	2832

530 7590 11/24/2010

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

EXAMINER	
HAROLD, JEFFEREY F	

ART UNIT	PAPER NUMBER
2422	

MAIL DATE	DELIVERY MODE
11/24/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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NOV 24 2010

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD NJ 07090

In re Application of: Nakajima et al.
Application No. 12/312,428
Filed: December 31, 2009
For: COMMUNICATION SYSTEM, TRANSMITTER, RECEIVER, COMMUNICATION METHOD, ROGRAM, AND COMMUNICATION CABLE

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 October 12, 2010, to make the above-identified application special.

The petition is **GRANTED.**

A grantable request to participate in the PCT PPH program and petition to make special require:

(1) The relationship between the corresponding U.S. application for which participation in the PCT-PPH pilot program is requested and the PCT application satisfies one of the following:

(a) The U.S. application is a national stage entry of the corresponding PCT application.

(b)The U.S. application is a national application which forms the basis for the priority claim in the corresponding PCT application.

(c) The U.S. application is a national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT application.

(d) The U.S. application is a national application claiming foreign/domestic priority to the corresponding PCT application.

(e) The U.S. application is a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) to (d) scenarios.

(2) The latest work product in the international phase of the PCT application corresponding to the U.S. application indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, or WO/IPEA, or IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII.

(3) All the claims in each U.S. application for which a request for participation in the PCT-PPH pilot program is made must sufficiently correspond to or be mended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

(4) Substantive examination of the U.S. application for which participation in the PCT-PPH pilot program is requested has not begun.

(5) Applicant must submit a copy of the latest international work product which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language.

(6) Applicant must submit a copy of the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application along with an English translation thereof and a statement that the English translation is accurate if the claims are not in the English language. Applicant is required to submit a claims correspondence table in English. The claims correspondence table must indicate how all the claims in the U.S. application sufficiently correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.

(7) Applicant must submit an information disclosure statement (IDS) listing the documents cited in the international work products (ISR, WOIISA, WOIIPEA, PER) of the PCT.

(8) Applicant must submit a petition fee under 37 CFR 1.17(h) for the petition to make special under 37 CFR 1.102(d).

(9) The request for participation in the PCT-PPH pilot program and all the supporting documents must be submitted to the USPTO via EFS-Web and indexed with the following document description: "Petition to make special under PCT-Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PCT-PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

The request to participate in the PCT-PPH program and petition are found to comply with all the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Christopher Grant at 571-272-7294

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Christopher Grant/
Christopher Grant
Quality Assurance Specialist
Technology Center 2400

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

GUERRY LEONARD GRUNE
784 S VILLIER CT.
VIRGINIA BEACH VA 23452

MAILED
SEP 29 2011
OFFICE OF PETITIONS

In re Application of :
Guerry L. Grune, et al. :
Application No. 12/312,452 : ON PETITION
Filed: May 11, 2009 :
Attorney Docket No. SILVERPRENE-001 :
PCT

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 13, 2011, to revive the above-identified application.

The petition is **DISMISSED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed December 14, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 15, 2011.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (1) and (3).

The petition filed is not acceptable. In this regard, petitioner's attention is directed to 37 CFR 1.33(b), which states.

(b) Amendments and other papers. Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:
(1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b);

(2) A registered patent attorney or patent agent not of record who acts in a representative capacity under the provisions of § 1.34;

(3) An assignee as provided for under §3.71(b) of this chapter; or

(4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

An unsigned amendment (or other paper) or one not properly signed by a person having authority to prosecute the application is not entered. This applies, for instance, where the amendment (or other paper) is signed by only one of two applicants and the one signing has not been given a power of attorney by the other applicant.

Therefore, as the petition and the amendment is not signed by all the inventors and the record herein fails to disclose that petitioner herein (Guerry L. Grune) was ever given a power of attorney to act on behalf of inventors James Anonsen, or that he is an assignee of the entire interest and has complied with the provisions of 37 CFR 3.73(b), the petition is considered to not contain a proper statement of unintentional delay.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By Mail:
Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand:
U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-1642. All other inquiries concerning this application should be directed to the Technology Center.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED
DEC 14 2011
OFFICE OF PETITIONS

GUERRY LEONARD GRUNE
784 S VILLIER CT.
VIRGINIA BEACH, VA 23452

In re Application of
Gerry L. Grune, et al.
Application No. 12/312,452
Filed: May 11, 2009
Attorney Docket No. SILVERPRENE-001
PCT

DECISION ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed November 29, 2011, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed December 14, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 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 $810, and (3) a proper statement of unintentional delay.

In view of the above, the petition is **GRANTED**.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 3765 for appropriate action by the Examiner in the normal course of business on the reply received November 29, 2011.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

JAN 13 2011

PCT LEGAL ADMINISTRATION

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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T.A. APARNA
19, 1st. STREET, PARTHASARATHY NAGAR
ADAMBAKKAM, CHENNAI
CHENNAI-88 60008-8 IN INDIA

In re Application of APARNA et al.	:	
Application No.: 12/312,453	:	DECISION ON
PCT No.: PCT/IN07/00553	:	
Int. Filing: 27 November 2007	:	SUBMISSION
Priority Date: 29 November 2006	:	
Attorney Docket No.: NONE	:	
For: AN IMPROVED HEART VALVE	:	

This is in response to applicant's papers filed in the United filed in the United States Patent and Trademark Office (USPTO) on 12 May 2009.

BACKGROUND

On 12 May 2009, within the thirty month period, applicant filed a Transmittal Letter (Form PTO 1390) requesting entry into the U.S. national stage and paid the basic national fee as required by 35 U.S.C. 371(c). Applicant also filed a "Utility Patent Application Transmittal" "Only for new nonprovisional applications under 37 CFR 1.53(b)".

DISCUSSION

The USPTO has adopted a bright-line test for determining whether application papers will be processed under 35 U.S.C. 371 or alternatively under 35 U.S.C. 111(a). Under this standard, any intended filing of an international application as a national stage application must clearly and unambiguously be identified as such and must satisfy all of the conditions set forth in 35 U.S.C. 371(c). See 37 CFR 1.495(g):

> The documents and fees submitted . . . must be clearly identified as a submission to enter the national stage under 35 U.S.C. 371. Otherwise the submission will be considered as being made under 35 U.S.C. 111(a).

In addition, section 1893.03(a) of the MPEP states the following:

> If there are any conflicting instructions as to whether the filing is under 35 U.S.C. 111(a) or 35 U.S.C. 371, the application will be accepted as filed under 35 U.S.C. 111(a).

Inspection of the instant application file reveals that the transmittal letter filed on 12 May 2009 referenced 35 U.S.C. 371, and indicated which international application sought to enter the national stage in the United States. However, applicant also filed a transmittal letter for submission as "utility under 35 USC 111(a)".

The inclusion of these conflicting indications of applicant's intent in the materials filed on 12 May 2009 constitutes "conflicting instructions" which, pursuant to the MPEP, requires that the application be treated under 35 U.S.C. 111(a). Accordingly, the original papers deposited on 12 May 2009 will be treated as a filing under 35 U.S.C. 111(a). Applicant may wish to consider filing a petition under 37 CFR 1.78 to claim benefit to prior-filed applications. Therefore, the Notice of Acceptance mailed on 29 November 2010 is hereby vacated.

CONCLUSION

In view of the above, it is proper to treat the initial filing as a filing under 35 U.S.C. 111(a). he Notice of Acceptance mailed on 29 November 2010 is vacated.

This application is being referred to the National Stage Processing Branch of the office of PCT Operations for removal of all Article 20 papers and processing of the above referenced application as a U.S. application filed under 35 U.S.C. 111(a) with a filing date of 12 May 2009.

/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

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.
12/312,487	01/21/2010	Nadir Arber	46276	4392

67801 7590 10/18/2010

MARTIN D. MOYNIHAN d/b/a PRTSI, INC.
P.O. BOX 16446
ARLINGTON, VA 22215

EXAMINER	
VIVLEMORE, TRACY ANN	

ART UNIT	PAPER NUMBER
1635	

MAIL DATE	DELIVERY MODE
10/18/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

15 Oct 2010

MARTIN D. MOYNIHAN d/b/a PRTSI, INC.
P.O. BOX 16446
ARLINGTON VA 22215

In re Application of:	Arber *et al.*	:	
Application No.:	12312487	:	
Filed:	13 May 2009	::	DECISION ON PETITION TO
Attorney Docket No.:	46276	:	ACCEPT COLOR DRAWINGS
For:	METHODS OF TREATING CANCER USING SIRNA MOLECULES DIRECTED AGAINST CD24	:	

This is in response to applicant's petition filed 29 July 2009 under 37 C.F.R. 1.84 to use color drawings in the application. Applicant has (A) paid the appropriate petition fee; (B) provided copies of formal color drawings and; (C) the black and white photocopy of the drawings in the image file wrapper will suffice for 37 C.F.R. 1.84(a)(2)(iii); however, (D) the specification does not contain an amendment in accord with 37 C.F.R. 1.121 for the specification. The amendment should start on a separate new page as opposed to the body of the petition. In addition, while the petition indicates a need for color drawings, it does not explain how the color drawings present a significant understanding of the invention

Applicant's petition is DENIED.

Questions with regard to this letter should be directed to the undersigned as indicated below.

/ Christopher S. F. Low /

Christopher S. F. Low
Supervisory Patent Examiner
TC 1600, Art Unit 1636 (571) 272-0951
Christopher.low@uspto.gov

15 Oct 2010

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.
12/312,505	05/14/2009	Haruhiro Higashida	1254-0410PUS1	2612

2292 7590 04/11/2012

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER	
LI, QIAN JANICE	
ART UNIT	**PAPER NUMBER**
1633	

NOTIFICATION DATE	DELIVERY MODE
04/11/2012	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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April 10, 2012

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of :
Haruhiro Higashida : **DECISION ON PETITION**
Application No. 12312505 :
Filed: 05/14/2009 :
Attorney Docket No. **1254-0410PUS1** :

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) May 14, 2009.

The petition is **DISMISSED.**

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following:

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, (One (1) set for EFW filings), and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings

"The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee."

The petition did not meet the following requirement(s). 1 ☐ 2 ☐ 3 ☑

In the Amendment to the Specification, which was filed 5/14/09, the line for the insertion of the required paragraph is improper. The 5/14/09 amendment needs to be amended so that it will read: "Please add the following NEW paragraph before the paragraph beginning on page 5, line 7."

A renewed petition filed under 37 C.F.R. 1.84 (a) (2) must be filed within TWO (2) MONTHS of this decision. If a renewed petition is not filed within the TWO (2) Months of this decision the drawings will be printed in black and white.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Laura L. Feldman/
Quality Control Specialist
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Paper No.

Kazunao Kubotera
Kubotera & Associates
200 Daingerfield Road
Suite 202
Alexandria VA 22314

MAILED.
JAN 25 2012
OFFICE OF PETITIONS

In re Application of :
Fukashi Urakami : DECISION GRANTING PETITION
Application No. 12/312,515 :
Filed: March 31, 2010 :
Atty Docket No. KC-1034 :

This is in response to the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a) filed December 27, 2011, which for the reasons stated herein is properly treated as a no-fee petition under 37 CFR 1.181 to withdraw the holding of abandonment.

The above-identified application was held abandoned for failure to pay the Issue Fee and Publication Fee within three months of the mailing date, September 20, 2011, of the Notice of Allowance and Fee(s) Due. This Office action set a three-month nonextendable statutory period for reply. No reply considered received, the above-identified application became abandoned effective December 21, 2011. A courtesy Notice of Abandonment was mailed on January 4, 2012.

In response, applicant timely filed the instant petition. Applicant submits that the Part B- Fee Transmittal, with payment of the Issue Fee and Publication Fee, was timely submitted by facsimile transmission on December 8, 2011. In support thereof, applicant submits a copy of their USPTO Auto-Reply Facsimile Transmission, confirming receipt of the facsimile in the Office on December 8, 2011.

A review of the record confirms that applicant's proper response is present in the application with a date of receipt of December 8, 2011. Further, the Issue Fee and Publication Fee were charged to the credit card as authorized. (A duplicate payment was charged on filing of the petition. The duplicate payment has been refunded to the credit card).

The Notice of Abandonment was mailed based on the date of resubmission of the Part B- Issue Fee transmittal on petition. Such was received on December 27, 2011, which was outside of the period for reply. Further, the Part B- Issue Fee transmittal and payment submitted by facsimile on December 8, 2011 was not processed until December 29, 2011. Thus, it appears that issuance of the Notice of Abandonment was prematurely processed without knowledge of the payment of December 8, 2011.

Accordingly, the holding of abandonment is hereby **WITHDRAWN**.

The petition under § 1.181 is **GRANTED**.

No fee is required on petition under § 1.181.

As consideration of the petition under 37 CFR 1.137(a) is unnecessary, the $310 fee for such consideration is being refunded to the Credit Card charged.

The Office of Data Management has been advised of this decision. The application is, thereby, forwarded to the Office of Data Management support staff to withdraw the holding of abandonment and for processing into a patent.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/312,516	05/14/2009	Kenichi Tsujimoto	141545	1310

25944 7590 03/23/2011

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER	
DENION, THOMAS E	
ART UNIT	PAPER NUMBER
3748	

NOTIFICATION DATE	DELIVERY MODE
03/23/2011	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):

OfficeAction25944@oliff.com
jarmstrong@oliff.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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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

In re Application of:
TSUJIMOTO, KENICHI et al
Serial No.: 12/312,516
Filed: May 14, 2009
Docket: 141545
Title: EXHAUST PURIFICATION DEVICE OF AN INTERNAL COMBUSTION ENGINE

:: DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY (PPH) AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed March 16, 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 Thomas Denion, SPE of Art Unit 3748, and 571-272-4859 for Class 60/286 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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Terryence F. Chapman
Flynn, Thiel, Boutell & Tanis, P.C.
2026 Rambling Road
Kalamazoo, MI 49008-1631

MAILED

JUN 07 2011

PCT LEGAL ADMINISTRATION

In re Application of :
Maieri, et al. :
Application No.: 12/312,531 :
PCT No.: PCT/EP2007/009842 : DECISION
Int. Filing Date: 14 November 2007 :
Priority Date: 14 November 2006 :
Attorney's Docket No.: 4100.P0440US :
For: CLEANING SYSTEM FOR MILKING CUPS :

This is in response to applicants' request to refund $906, filed 24 March 2011. Applicants urge that an assertion of small entity status and the request for refund were timely filed.

BACKGROUND

On 14 November 2007, applicants filed international application PCT/EP2007/009842 which claimed priority to an earlier German application which was filed 14 November 2006. Accordingly, the thirty-month period for paying the basic national fee in the national stage in the United States expires at midnight on 14 May 2009.

On 14 May 2009, applicants filed a transmittal letter including, *inter alia*, a check for $1812.00 which included the basic national fee, the search fee, the examination fee, and extra claim fees, along authorization to charge counsel's deposit account #06-1382 any additional fees that may be required. These papers were assigned U.S. application number 12/315,531.

On 01 December 200, the United States Patent and Trademark 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 applicants were required to file a translation of the application, the processing fee for filing the translation after thirty months from the earliest claimed priority date, an oath/declaration, and a surcharge for filing the oath/declaration after thirty months from the earliest claimed priority date. The notification set a two-month time period in which to respond.

On 01 February 2010, applicants filed a response along with a copy of a request for refund that alleged that the original request for refund was filed on 01 July 2009. Although a copy of the request for refund was attached, a copy of the post card receipt was not included.

On 01 November 2010, the Notification of Defective Response was mailed to applicants indicating that applicants had not provided a translation of the claims.

On 14 December 2010, applicant filed a new Request for Refund. Again, a copy of the post card receipt was not included.

On 21 March 2011, the NOTIFICATION OF ACCEPTANCE UNDER 35 U.S.C. 371 AND 37 CFR 1.495 (Form PCT/DO/EO/905) was mailed to applicants.

On 24 March 2011, applicants filed the current request for refund. The post card receipt indicating that the original request was filed 01 July 2009 is included.

DISCUSSION

37 CFR 1.28 states, in part:

> (a) *Refunds based on later establishment of small entity status.* A refund pursuant to § 1.26, based on establishment of small entity status, of a portion of fees timely paid in full prior to establishing status as a small entity may only be obtained if an assertion under § 1.27(c) and a request for a refund of the excess amount are filed within three months of the date of the timely payment of the full fee. The three-month time period is not extendable under § 1.136. Status as a small entity is waived for any fee by the failure to establish the status prior to paying, at the time of paying, or within three months of the date of payment of, the full fee.

According to the post card receipt, the original request for refund and assertion of small entity status and request for refund was filed on 01 July 2009 which was within the three month time period. Therefore, this request for refund was timely filed.

The following fees were due at the time of filing:

Basic National Fee	$330
Examination Fee	$220
Search Fee	$430
Filing oath/dec late	$130
Multiple Dependent claim	$390
Total	$1300

This fee must be reduced by 1/2 for small entity status which is $650. A fee of $130 must be added for filing the translation after 30 months from the earliest claimed priority date. Therefore, applicants owe fees of $780. Applicants paid $1812. Therefore, applicants are due a refund of $1032.

CONCLUSION

For the above reasons, the request for refund is **GRANTED**.

The $1032 search fee has been refunded to counsel's deposit account number **06-1382**.

The application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision.

/Debra Brittingham/
Debra S. Brittingham
PCT Special Programs Examiner
Office of PCT Legal Administration

Telephone: (571) 272-3280

Richard Cole
PCT Legal Examiner
Office of PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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KANESAKA BERNER AND PARTNERS LLP
1700 DIAGONAL RD
SUITE 310
ALEXANDRIA, VA 22314-2848

MAILED
DEC 19 2011
OFFICE OF PETITIONS

In re Application of	:	
Tomohiro Numajiri	:	
Application No. 12/312,600	:	DECISION GRANTING PETITION
Filed: June 11, 2009	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. OLI-060	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed December 12, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on November 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 2839 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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EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON MA 02205

MAILED
AUG 16 2011
OFFICE OF PETITIONS

In re Application of	:	
Fumihiro Kasano, et al.	:	
Application No. 12/312,608	:	DECISION GRANTING PETITION
Filed: May 19, 2009	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 84081(302721)	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, August 11, 2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on July 20, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2612 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed 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.*

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	12312644
Filing Date	18-May-2009
First Named Inventor	Victor Casana
Art Unit	1616
Examiner Name	ANDRIAE HOLT
Attorney Docket Number	510829.000010
Title	NOVEL AGROCHEMICAL FORMULATIONS CONTAINING MICROCAPSULES

◉ Please withdraw me as attorney or agent for the above identified patent application and all the practitioners of record.

The reason(s) for this request are those described in 37 CFR:

10.40(b)(4)

Certifications

☒ 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	GAT Mircoencapsulation Victoria de Lerma Asociados
Address	Poeta Querol n 1 pta 10
City	46002 Valencia
State	
Postal Code	
Country	ES

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/James Murphy/
Name	James J. Murphy
Registration Number	34503

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : December 2, 2011

In re Application of :

Victor Casana

Application No : 12312644

Filed: 18-May-2009

Attorney Docket No : 510829.000010

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR.§ 1.36(b), filed December 2, 2011

The request is **APPROVED**

The request was signed by James J. Murphy (registration no. 34503) on behalf of all the attorneys/agents of record. All attorneys/agents of record have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 with correspondence address:

Name GAT Mircoencapsulation

Name2 Victoria de Lerma Asociados

Address 1 Poeta Querol n 1 pta 10

Address 2

City 46002 Valencia

State

Postal Code

Country ES

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

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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DEC 10 2010

PCT LEGAL ADMINISTRATION

Robert D. Shedd, Patent Operations
THOMSON Licensing LLC
P.O. Box 5312
Princeton NJ 08543-5312

In re Application of :
Dane et al. :
Application No. 12/312,646 :
PCT No.: PCT/US2007/024868 :
Int. Filing Date: 05 December 2007 : DECISION
Priority Date: 28 December 2006 :
Att. Docket No.: PU060266 :
For: A Method And Apparatus For Automatic :
Visual Artifact Analysts And Artifact Red... :

The renewed petition to revive under 37 CFR 1.137(b) filed on 28 September 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 CFR 1.137(b) was unintentional." Said statement is accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicants have paid the petition fee. No terminal disclaimer is required.

The required reply is an oath or declaration compliant with 37 CFR 1.497(a) and (b). Petitioner now has clarified that the discrepancy in the spelling of inventor KUMWILAISAK's name constitutes a "typographical, clerical error." In view of the policy described at MPEP 1893.01(e), it would be appropriate to accept petitioner's statement, and to accept the declaration filed on 20 May 2010 for purposes of compliance with 37 CFR 1.497(a) and (b). As such, all of the requirements for relief under 37 CFR 1.137(b) have been satisfied.

The duplicate $1620.00 petition fee paid on 28 September 2010 was not required, and is being refunded. The $130.00 surcharge under 37 CFR 1.492(h)(fee code 1617) is being charged to Deposit Account 07-0832, as authorized.

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 **20 May 2010**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

JAN 11 2011

PCT LEGAL ADMINISTRATION

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	:	DECISION
KANATANI et al.	:	
Application No.: 12/312,669	:	
PCT No.: PCT/JP2007/072504	:	
Int. Filing Date: 21 November 2007	:	
Priority Date: 21 November 2006	:	
Attorney Docket No.: 2009_0799A	:	
For: MANNOOLIGOSACCHARIDE-CONTAINING FOOD COMPOSITION	:	

This decision is in response to applicants' "REQUEST FOR CORRECTED FILING RECEIPT & NOTICE OF ACCEPTANCE," which has properly been treated as a petition under 37 CFR 1.181, filed in the United States Patent and Trademark Office (USPTO) on 30 September 2009.

BACKGROUND

On 21 November 2007, applicants filed international application PCT/JP2007/072504 which designated the US and claimed a priority date of 21 November 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 29 May 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 21 May 2009.

On 21 May 2009, 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 an unexecuted declaration of inventors.

On 01 June 2009, applicants filed a submission including an executed declaration of inventors.

On 04 September 2009, the United States Designated/Elected Office (DO/EO/US) issued a Filing Receipt and a NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AN 37 CFR 1.495 (Form PCT/DO/EO/903) according the application a 35 U.S.C. § 371(c)(1), (c)(2), and (c)(4) date of 21 May 2009 and a 35 U.S.C. 371 date of 01 June 2009.

On 30 September 2009, applicants filed the instant petition under 37 CFR 1.181.

DISCUSSION

The petition requests that the 35 U.S.C. § 371(c)(1), (c)(2), and (c)(4) date be changed from 21 May 2009 to 01 June 2009.

As noted by applicants, only the declaration of inventors filed 01 June 2009 was in compliance with 35 U.S.C. 371(c)(4). Accordingly, the NOTICE OF ACCEPTANCE OF APPLICATION issued 04 September 2009 contained the incorrect 35 U.S.C. § 371(c)(1), (c)(2), and (c)(4) date. Thus, the NOTICE OF ACCEPTANCE is hereby VACATED.

CONCLUSION

The petition under 37 CFR 1.181 is **GRANTED** for the reasons set forth above.

The Filing Receipt and the NOTICE OF ACCEPTANCE issued 04 September 2009 are **VACATED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for processing in accordance with this decision, that is for (1) mailing of a corrected NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495 (Form PCT/DO/EO/903) indicating both the 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) and the 35 U.S.C. 371 dates as **01 June 2009** and (2) mailing of a corrected Filing Receipt.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

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JUL 11 2011

PCT LEGAL ADMINISTRATION

MUIRHEAD AND SATURNELLI, LLC
200 FRIBERG PARKWAY
SUITE 1001
WESTBOROUGH MA 01581

In re Application of :
FOX et al. :
Application No.: 12/312,699 : DECISION
PCT No.: PCT/GB2007/004471 :
Int. Filing Date: 22 November 2007 :
Priority Date: 22 November 2006 :
Attorney Docket No.: VPM-04401 :
For: TELECOMMUNICATION NETWORKS AND DEVICES :

This is a decision on applicants' renewed petition under 37 CFR 1.47(a) filed 16 February 2011 in the United States Patent and Trademark Office (USPTO). The petition is **DISMISSED** as **MOOT**.

BACKGROUND

On 22 November 2007, applicants filed international application PCT/GB2007/004471, which designated the United States and claimed a priority date of 22 November 2006. A copy of the international application was communicated from the International Bureau to the USPTO on 29 May 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 22 May 2009.

On 21 May 2009, 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.

On 24 September 2009, 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 28 April 2010, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a five-month extension of time, a declaration of inventors, and a declaration of facts by Dr. Adrian Sneary.

On 17 June 2010, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.47(a). The decision also noted that a new declaration of inventors signed by Jose-Luis Carrizo Martinez was required since the declaration had non-initialed alterations to his citizenship.

On 24 January 2011, applicants filed a renewed petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a five-month extension of time.

On 16 February 2011, applicants filed a supplemental renewed petition including a new declaration of inventors signed by previously non-signing inventor Jonathon Batkin.

DISCUSSION

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.

The declarations of inventors filed 16 February 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**.

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 of **16 February 2011**.

/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
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THOMAS, KAYDEN, HORSTEMEYER
& RISLEY, LLP
400 INTERSTATE NORTH
PARKWAY SE, SUITE 1500
ATLANTA GA 30339

MAILED
JAN 27 2012
OFFICE OF PETITIONS

In re Application of :
Kranz et al. :
Application No. 12/312,705 : ON PETITION
Filed: 01/13/2010 :
Attorney Docket Number: 62012-1650 :

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) May 21, 2009.

The petition is **DISMISSED AS MOOT.**

This application is abandoned for failure to respond to the Office action mailed June 6, 2011.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

By FAX: 571-273-8300
Attn: Office of Petitions

A reply may also be filed via EFS-Web.

The application is being forwarded to Group Art Unit 2881.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3231.

Douglas I. Wood
Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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28249
DILWORTH & BARRESE, LLP
1000 Woodbury Road
Suite 405
Woodbury, NY 11797

MAILED

DEC 13 2010

PCT LEGAL ADMINISTRATION

In re Application of
EBATA *et al*
U.S. Application No.: 12/312,755
PCT No.: PCT/US2007/024432
Int. Filing Date: 26 November 2007
Priority Date: 27 November 2006
Attorney Docket No.: 1302-378 Q PCT US
For: QUARTZ ENCAPSULATED HEATER ASSEMBLY

DECISION

This decision is in response to applicants' petition under 37 CFR 1.47(a) filed 07 June 2010.

BACKGROUND

On 07 December 2009, the Office 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) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a $130.00 surcharge fee was required. Applicants were given two months to respond with extensions of time available.

On 07 June 2010, applicants filed the subject petition which was accompanied by, *inter alia*, a declaration signed on behalf of the nonsigning inventor; a $130.00 surcharge fee; a $200.00 petition fee; a four-month extension and $1,730.00 extension fee, a declaration by Karen A. Hayden; and documentary evidence in support of the petition (Exhibits A - M).

DISCUSSION

Applicants claim that co-inventor Akira MIYAHARA 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 nonsigning 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 inventor on their behalf and on behalf of the nonsigning joint inventor.

The $200.00 petition fee has been paid. The address of the nonsigning inventor was provided in Exhibit J. An executed declaration signed by six of the seven joint inventors on behalf of the nonsigning inventor was submitted. This declaration meets the requirements of section 409.03(a) of the MPEP and complies with 37 CFR 1.497(a) and (b). Hence, items (1), (3) and (4) of 37 CFR 1.47(a) are satisfied in the petition.

Regarding item (2), the 37 CFR 1.47(a) applicants claim that "a *bone fide*, diligent effort has been made to secure the signature of joint inventor Akira Miyahara in accordance with M.P.E.P. §409.03 and the evidence of record clearly establishes inability to obtain Mr. Miyahara's signature on the Declaration/Power of Attorney."

MPEP § 409.03(d), *Proof of Unavailability or Refusal* discusses the two ways to meet the requirements of 37 CFR 1.47, *i.e*, (I) Inventor Cannot be Reached, and (II) Refusal to Join. Since the inventor has been contacted, the subject petition is being treated as a refusal to join. Specifically, the conduct of Akira MIYAHARA constitutes a refusal to cooperate.

A review of the evidence shows that Mr. MIYAHARA requested a Japanese translation of the declaration so that he could understand the documents (Exhibit J). Petitioners refused to provide such a document claiming that the cost was prohibitive and stated that the nonsigning inventor should obtain the translation themselves. (Exhibit L). Petitioners then decided to proceed under 37 CFR 1.47 after receiving no response from Mr. MIYAHARA.

First, it is unreasonable to request an inventor to sign a document they do not understand. The 37 CFR 1.47(a) applicants are required to provide a Japanese language translation of the declaration to Mr. MIYAHARA.[1] Further, MPEP § 409.03(d)(II) requires that the 37 CFR 1.47(a) applicants must show that a complete copy of the application, including specification, claims and drawings, was presented to the nonsigning inventor for a refusal to be accepted.[2] Here, there is no evidence that a copy of the subject application was provided to Mr. MIYAHARA.

For these reasons, item (2) of 37 CFR 1.47(a) is not satisfied.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

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[1] A Japanese language declaration is located on the USPTO website at http://www.uspto.gov/forms/sb0106_fill.pdf.

[2] The declaration itself states that the inventor has to attest that they have "reviewed and understand the contents of the specification, including the claims, as amended by any amendment." This would not be possible if the inventor has not been presented with a copy of the application.

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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

28249
DILWORTH & BARRESE, LLP
1000 Woodbury Road
Suite 405
Woodbury, NY 11797

MAILED

JUL 11 2011

PCT LEGAL ADMINISTRATION

In re Application of :
EBATA *et al* :
U.S. Application No.: 12/312,755 :
PCT No.: PCT/US2007/024432 :
Int. Filing Date: 26 November 2007 : **DECISION**
Priority Date: 27 November 2006 :
Attorney Docket No.: 1302-378 Q PCT US :
For: QUARTZ ENCAPSULATED HEATER ASSEMBLY :

This decision is in response to the papers filed 12 May 2011 which are treated as a renewed petition under 37 CFR 1.47(a).

BACKGROUND

On 13 December 2010, a decision dismissing applicants' petition under 37 CFR 1.47(a) was mailed. Applicants were given two months to respond with extensions of time available.

On 15 February 2011, a Notification of Abandonment (Form PCT/DO/EO/909) was mailed for failing to respond to the Form PCT/DO/EO/905 mailed 12 July 2009.

On 12 May 2011, applicants filed the subject response which was accompanied by, *inter alia*, a three-month extension and $1,110.00 extension fee, and a declaration executed by the nonsigning inventor.

DISCUSSION

Notification of Abandonment

The Form PCT/DO/EO/909 mailed 15 February 2011 was sent in error. The Decision mailed 13 December 2010 provided applicants extendable rights pursuant to 37 CFR 1.136(a) to respond. The time period given by the Form PCT/DO/EO/905 mailed 12 July 2009 is no longer relevant.

As such, the Form PCT/DO/EO/909 is hereby **VACATED**.

Renewed Petition Under 37 CFR 1.47(a)

In the renewed petition, applicants submitted a declaration executed by the nonsigning inventor, Akira MIYAHARA. This declaration is in compliance with 37 CFR 1.497(a) & (b).

No further action on the petition under 37 CFR 1.47(a) is required.

CONCLUSION

For the reason discussed above, the petition under 37 CFR 1.47(a) is **DISMISSED** as **MOOT**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 26 November 2007, under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 12 May 2011.

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

MAILED

OCT 12 2010

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

Raymond Sun
20 Corporate Park
Suite 155
Irvine CA 92606

In re Application of	:	
ZHANG et al.	:	
Application No.: 12/312,769	:	DECISION
PCT No.: PCT/CN2006/003171	:	
Int. Filing Date: 27 November 2006	:	
Priority Date: None	:	
Attorney's Docket No.: PAT-1854	:	
For: METHOD FOR PREPARING A COATING OF THE SURFACE OF MEDICAL DEVICES MADE OF NICKEL-TITANIUM ALLOY	:	

This decision is in response to applicant's "PETITION TO REVIVE APPLICATION ABANDONED DUE TO FAILURE TO RECEIVE COMMUNICATION" filed in the United States Patent and Trademark Office (USPTO) on 19 August 2010, which has properly been treated as a petition under 37 CFR 1.181.

BACKGROUND

On 27 November 2006, applicants filed international application PCT/CN2006/003171 which did not claim a priority date 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 05 June 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 27 May 2009.

On 26 May 2009, 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, a declaration of inventors, and a purported English translation of the international application.

On 25 September 2009, the United States Designated/Elected Office (DO/EO/US) mailed a NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AN 37 CFR 1.495 (Form PCT/DO/EO/903) according the application a 35 U.S.C. § 371(c)(1), (c)(2), and (c)(4) date and a 35 U.S.C. 371 date of 26 May 2009.

On 23 November 2009, the DO/EO/US mailed a Letter Regarding a New Notice and/or the Status of the Application (Form PCT/DO/EO/WITH) indicating that applicant should disregard the previous notice mailed on 25 September 2009.

On 23 November 2009, the DO/EO/US also mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that a translation of the international application into English was required because the translation filed 26 May 2009 includes untranslated characters in the tables. The Notification set a two-month extendable period for response.

On 10 August 2010, the DO/EO/US mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application was abandoned as to the United States of America for failure to respond to the NOTIFICATION OF MISSING REQUIREMENTS mailed 23 November 2009 within the time period set therein.

On 19 August 2010, applicant submitted the instant petition under 37 CFR 1.181.

DISCUSSION

The petition urges that (a) the NOTIFICATION OF MISSING REQUIREMENTS mailed 23 November 2009 was not received and that (b) the translation filed 26 May 2009 is sufficient.

Non-Receipt

As to (a), no evidence of non-receipt has been provided. Attention is directed to MPEP § 711.03(c), para. I.A. for establishing non-receipt of a communication. (If applicants can establish nonreceipt of the NOTIFICATION OF MISSING REQUIREMENTS, then the application was never abandoned. In such case, the holding of abandonment will be withdrawn pursuant to 37 CFR 1.181. The showing must include: (1) a statement by the practitioner that the Office action was not received by the practitioner; (2) a statement attesting that a search of the file jacket and docket records indicates that the Office action was not received; and (3) a copy of the docket record where the non-received Office action would have been entered had it been received (the docket record must also be referenced in practitioner's statement).) The petition also urges that there was no reason to expect a NOTIFICATION OF MISSING REQUIREMENTS since a NOTIFICATION OF ACCEPTANCE had already been received. However, whether the NOTIFICATION OF MISSING REQUIREMENTS was expected or not is irrelevant to whether it was received.

Translation

As to (b), the English translation filed 26 May 2009 is not a proper translation of the international application as filed into English, as required by 37 CFR 1.495(c)(1)(i). The translation includes elements not present in the international application: the key for the letters

A-H and the numbers 1-12 appearing on pages 9-11 of the translation does not appear in the international application as filed; nor do the letters A-H used to designate the columns in the translation filed 26 May 2009 appear in the international application; nor does the number 12 appear in the international application.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.181 is **DISMISSED** without prejudice.

The application is abandoned as to the United States of America for failure to timely file a proper reply to the NOTIFICATION OF MISSING REQUIREMENTS mailed 23 November 2009.

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/

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FEB 14 2011

PCT LEGAL ADMINISTRATION

Raymond Sun
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Suite 155
Irvine CA 92606

In re Application of	:	
ZHANG et al.	:	
Application No.: 12/312,769	:	DECISION
PCT No.: PCT/CN2006/003171	:	
Int. Filing Date: 27 November 2006	:	
Priority Date: None	:	
Attorney's Docket No.: PAT-1854	:	
For: METHOD FOR PREPARING A COATING OF THE SURFACE OF MEDICAL DEVICES MADE OF NICKEL-TITANIUM ALLOY	:	

This decision is in response to applicant's "PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE ACTION UNDER MPEP §711.03(c)" filed in the United States Patent and Trademark Office (USPTO) on 15 November 2010, which has properly been treated as a petition under 37 CFR 1.181.

BACKGROUND

On 27 November 2006, applicants filed international application PCT/CN2006/003171 which did not claim a priority date 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 05 June 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 27 May 2009.

On 26 May 2009, 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, a declaration of inventors, and a purported English translation of the international application.

On 25 September 2009, the United States Designated/Elected Office (DO/EO/US) mailed a NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AN 37 CFR 1.495 (Form PCT/DO/EO/903) according the application a 35 U.S.C. § 371(c)(1), (c)(2), and (c)(4) date and a 35 U.S.C. 371 date of 26 May 2009.

On 23 November 2009, the DO/EO/US mailed a Letter Regarding a New Notice and/or the Status of the Application (Form PCT/DO/EO/WITH) indicating that applicant should disregard the previous notice mailed on 25 September 2009.

On 23 November 2009, the DO/EO/US also mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that a translation of the international application into English was required because the translation filed 26 May 2009 includes untranslated characters in the tables. The Notification set a two-month extendable period for response.

On 10 August 2010, the DO/EO/US mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application was abandoned as to the United States of America for failure to respond to the NOTIFICATION OF MISSING REQUIREMENTS mailed 23 November 2009 within the time period set therein.

On 19 August 2010, applicant submitted a petition under 37 CFR 1.181 urging that the NOTIFICATION OF MISSING REQUIREMENTS mailed 23 November 2009 was not received and that the translation filed 26 May 2009 is sufficient.

On 12 October 2010, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.181. Specifically, it was noted that the showing required to establish non-receipt was set forth in MPEP § 711.03(c), para. I.A. and that the English translation filed 26 May 2009 was not a proper translation.

On 15 November 2010, applicants filed the instant petition under 37 CFR 1.181.

DISCUSSION

Non-Receipt

If applicants can establish nonreceipt of the NOTIFICATION OF MISSING REQUIREMENTS, then the application was never abandoned. In such case, the holding of abandonment will be withdrawn pursuant to 37 CFR 1.181. See MPEP § 711.03(c), para. I.A. The showing must include: (1) a statement by the practitioner that the Office action was not received by the practitioner; (2) a statement attesting that a search of the file jacket and docket records indicates that the Office action was not received; and (3) a copy of the docket record where the non-received Office action would have been entered had it been received (the docket record must also be referenced in practitioner's statement).

Items (1) and (2) have been met.

Item (3) has not been met. MPEP § 711.03(c), para. I.A. states that 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." The petition states that a copy of practitioner's master docket print-out is attached. However, the only docket record in the electronic file is a table of contents for U.S. application number 12/312,769.

Translation

The English translation of the international application submitted on 15 November 2010 appears to be sufficient.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.181 is **DISMISSED** without prejudice.

The application is abandoned as to the United States of America for failure to timely file a proper reply to the NOTIFICATION OF MISSING REQUIREMENTS mailed 23 November 2009.

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/

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DEC 28 2011

PCT LEGAL ADMINISTRATION

Raymond Sun
20 Corporate Park
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Irvine CA 92606

In re Application of	:	
ZHANG et al.	:	
Application No.: 12/312,769	:	DECISION
PCT No.: PCT/CN2006/003171	:	
Int. Filing Date: 27 November 2006	:	
Priority Date: None	:	
Attorney's Docket No.: PAT-1854	:	
For: METHOD FOR PREPARING A COATING OF THE SURFACE OF MEDICAL DEVICES MADE OF NICKEL-TITANIUM ALLOY	:	

This decision is in response to applicants' renewed petition under 37 CFR 1.181 to withdraw the holding of abandonment filed 08 April 2011.

BACKGROUND

On 27 November 2006, applicants filed international application PCT/CN2006/003171 which did not claim a priority date 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 05 June 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 27 May 2009.

On 26 May 2009, 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, a declaration of inventors, and a purported English translation of the international application.

On 25 September 2009, the United States Designated/Elected Office (DO/EO/US) mailed a NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AN 37 CFR 1.495 (Form PCT/DO/EO/903) according the application a 35 U.S.C. § 371(c)(1), (c)(2), and (c)(4) date and a 35 U.S.C. 371 date of 26 May 2009.

On 23 November 2009, the DO/EO/US mailed a Letter Regarding a New Notice and/or the Status of the Application (Form PCT/DO/EO/WITH) indicating that applicant should disregard the previous notice mailed on 25 September 2009.

On 23 November 2009, the DO/EO/US also mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that a translation of the international application into English was required because the translation filed 26 May 2009 includes untranslated characters in the tables. The Notification set a two-month extendable period for response.

On 10 August 2010, the DO/EO/US mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application was abandoned as to the United States of America for failure to respond to the NOTIFICATION OF MISSING REQUIREMENTS mailed 23 November 2009 within the time period set therein.

On 19 August 2010, applicant submitted a petition under 37 CFR 1.181 urging that the NOTIFICATION OF MISSING REQUIREMENTS mailed 23 November 2009 was not received and that the translation filed 26 May 2009 is sufficient.

On 12 October 2010, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.181. Specifically, it was noted that the showing required to establish non-receipt was set forth in MPEP § 711.03(c), para. I.A. and that the English translation filed 26 May 2009 was not a proper translation.

On 15 November 2010, applicants filed a renewed petition under 37 CFR 1.181 which was accompanied by, *inter alia*, an English translation of the international application and a copy of the docket record for the instant application.

On 14 February 2011, a decision was issued dismissing without prejudice applicants' petition under 37 CFR 1.181.

On 08 April 2011, applicant filed the instant renewed petition under 37 CFR 1.181.

DISCUSSION

If applicants can establish nonreceipt of the NOTIFICATION OF MISSING REQUIREMENTS, then the application was never abandoned. In such case, the holding of abandonment will be withdrawn pursuant to 37 CFR 1.181. See MPEP § 711.03(c), para. I.A. The showing must include: (1) a statement by the practitioner that the Office action was not received by the practitioner; (2) a statement attesting that a search of the file jacket and docket records indicates that the Office action was not received; and (3) a copy of the docket record where the non-received Office action would have been entered had it been received (the docket record must also be referenced in practitioner's statement).

As set forth in the decision issued 14 February 2011, items (1) and (2) have been satisfied.

As to item (3), MPEP § 711.03(c), para. I.A. states that 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." Where such a master docket record does not exist, however, 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" may be provided. MPEP § 711.03(c), para. I.A.

The decision issued 14 February 2011 indicated that item (3) had not been met. The petition filed 15 November 2010 stated that a copy of "practitioner's master docket print-out, showing all dated calendared in Attorney Docket No. PAT-1854, sorted in chronological descending order (marked as Exhibit A)" (emphasis added) was attached. The decision issued 14 February 2011 indicated that the "petition states that a copy of practitioner's master docket print-out is attached. However, the only docket record in the electronic file is a table of contents for U.S. application number 12/312,769" (emphasis added). The renewed petition filed 14 February 2011 states that "no such master docket exists" (emphasis added) and that applicants submitted a copy of the individual docket record for the instant application. Nevertheless, the renewed petition filed 14 February 2011 later states that no "Office Action mailing date was entered on the master docket, no deadline to respond by was entered, and no letter to the client was created" (emphasis added). The term "master docket" (emphasis added) as used by petitioner is hereby construed to refer to the individual docket record for the instant application (except for the statement in the instant petition that "no such master docket exists"). If this interpretation is incorrect, ***petitioner is required to notify the Office of PCT Legal Administration immediately***.

In that no master docket as defined in MPEP § 711.03(c), para. I.A. exists, 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" may be provided. Here, a copy of the individual docket record for the application has been provided. This docket record does not include the NOTIFICATION OF MISSING REQUIREMENTS mailed 23 November 2009.

English Translation

As noted in the decision issued 14 February 2011, the English translation of the international application submitted on 15 November 2010 appears to be sufficient.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.181 is **GRANTED**.

The NOTIFICATION OF MISSING REQUIREMENTS mailed 23 November 2009 is VACATED.

The NOTIFICATION OF ABANDONMENT mailed 10 August 2010 is VACATED.

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.

The 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.:20110520

DATE : May 20, 2011

TO SPE OF : ART UNIT 2471

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:

Docket No.: 8737.158.00
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Letters Patent of:
Seung June YI, et al.

Customer Number: 30827

Patent No.: 7,894,395 B2

Issued: February 22, 2011

For: METHOD OF ALLOCATING RESOURCES IN WIRELESS COMMUNICATION SYSTEM

REQUEST FOR CERTIFICATE OF CORRECTION
PURSUANT TO 37 CFR 1.322

Attn: Certificate of Correction Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Upon reviewing the above-identified patent, Patentee noted that claim 1 contains a typographical error. The corrections shown on the attached Form PTO/SB/44 do not constitute new matter.

Applicants respectfully submit a $100 certificate of correction fee. If there are any other fees due in connection with this filing, the director is hereby authorized to charge any additional fees associated with this filing to our Deposit Account No. 50-0911.

Dated: May 11, 2011

Respectfully submitted,

By _____
Mark R. Kresloff
Registration No.: 42,766
MCKENNA LONG & ALDRIDGE LLP
1900 K Street, N.W.
Washington, DC 20006
(202) 496-7500
Attorney for Applicant

O.K. to enter.

/Soon Hyun/ 05/20/2011

PTO/SB/44 (05-03)
Approved for use through 01/31/2004. OMB 0651-0033
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-f050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO.	:	US 7,894,395 B2
APPLICATION NO.	:	12/312,781
ISSUE DATE	:	February 22, 2011
INVENTOR(S)	:	Seung June YI, et al.

It is certified that errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 12, claim 1, line 3, delete "the two or more logical channels,".

MAILING ADDRESS OF SENDER:
Song K. Jung
MCKENNA LONG & ALDRIDGE LLP
1900 K Street, N.W.
Washington, DC 20006

UNITED STATES PATENT AND TRADEMARK OFFICE

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SUITE 600
WASHINGTON, DC 20036

MAILED

DEC 23 2011

PCT LEGAL ADMINISTRATION

In re Application of INGVAST et al :
U.S. Application No.: 12/312,788 :
PCT Application No.: PCT/SE2007/050909 : DECISION
Int. Filing Date: 28 November 2007 :
Priority Date Claimed: 29 November 2006 :
Attorney Docket No.: 55655 :
For: APPARATUS FOR DEGASSING OIL :

This is in response to applicant's petition under 37 CFR 1.182 filed 09 December 2011.

BACKGROUND

On 28 November 2007, applicant filed international application PCT/SE2007/050909, which claimed priority of an earlier Sweden application filed 29 November 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 05 June 2008. The thirty-month period for paying the basic national fee in the United States expired on 29 May 2009.

On 27 May 2009, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission included a transmittal letter (Form PTO-1390) which identified the international application number as PCT/EP2007/050909.

On 20 January 2010, the DO/EO/US mailed a Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903).

On 07 December 2011, this Office mailed a communication which identified a discrepancy with respect to the international application number.

On 09 December 2011, applicant filed the instant petition under 37 CFR 1.182. The requisite $400.00 petition fee will be charged to Deposit Account No. 18-2220 as authorized in the petition.

DISCUSSION

The petition states that applicant inadvertently included the wrong international application number on the transmittal letter. Because the papers filed 27 May 2009 included at least one document which listed the correct international application number PCT/SE2007/050909, correction of the application is permissible. Applicant's explanation for the error is accepted.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 is GRANTED.

The Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) mailed 20 January 2010 is hereby VACATED.

The application has an International Filing Date under 35 U.S.C. 363 of 28 November 2007, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 30 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, 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 identify the international application number as PCT/SE2007/050909, and a corrected filing receipt.

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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Finch & Maloney PLLC
175 Canal Street
Suite 503
Manchester NH 03101

MAILED

FEB 10 2011

OFFICE OF PETITIONS

Applicant: Bosenberg, et al.
Appl. No.: 12/312,807
International Filing Date: November 29, 2007
Title: METHODS AND PRODUCTS FOR DIAGNOSING CANCER
Attorney Docket No.: V0139.70095US01
Pub. No.: US 2010/0143899 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 July 8, 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 priority data was printed incorrectly.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The error in the benefit claim on the front page of the publication is an Office mistake, but it is not a material mistake as required by 37 CFR 1.221(b). The correct benefit claim is in the first line of the specification, as required by 37 CFR 1.78. The error in the benefit claim on the front page of the publication is not a material mistake because it does not affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. The first line of the specification

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

contains the proper benefit claim, thus one can read and understand the application and properly use the patent application publication as a prior art reference.

An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (see 35 U.S.C. 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim after the filing date of the application, the amendment would not be proper. MPEP 201.11(F).

On March 4, 2010, a Filing Receipt was mailed by the Office which listed an incorrect provisional application No. To avoid this type of problem in the future, applicant's representative should correct the error and make a request for a corrected filing receipt prior to export of the application to the publisher and publication of the application.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A Quick Start Guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication"

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

/Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/312,830	05/28/2009	Luis Florit De Marti	FLORIT DE MARTI - PCT	5087

25889 7590 09/23/2011

COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

EXAMINER	
LEWIS, RALPH A	

ART UNIT	PAPER NUMBER
3732	

MAIL DATE	DELIVERY MODE
09/23/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

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1077 NORTHERN BOULEVARD
ROSLYN NY 11576

In re Application of:
FLORIT DE MARTI, LUIS
Serial No.: 12/312,830
Filed: May 28, 2009
Docket: FLORIT DE MARTI - PCT
Title: ENDODONTIC OBTURATOR

DECISION ON PETITION

This is a decision on the petition filed on August 5, 2011 seeking reversal of the objection to the proposed drawing changes in the newly added of Figs. 3 and 4 and added passages on pages 5 and 7 of the specification for introducing new matter into the specification. The petition is being considered pursuant to 37 CFR 1.181.

The petition is **DISMISSED**.

In the petition, petitioner requests withdrawal of the examiner's objection to the drawings under 37 CFR 1.83(a) and added passage on pages 5 and 7 of the specification for introducing new matter into the specification. In the final rejection of June 8, 2011, the examiner did not accept the newly added drawing changes of the new Figs. 3 and 4 and added passages on pages 5 and 7 of the specification filed on March 21, 2011 because the drawings contain subject matter not described in the original specification such as the crescent-shaped cross section for the obturator needle. Additionally, the examiner also held the newly amended passages on pages 5 and 7 of the specification constitute new matter because the newly added Figs. 3 and 4 contain new matter. Petitioner believes that the new matter objections to the newly added Figs. 3 and 4 and the amended passages on pages 5 and 7 of the specification are in error and requests review and relief therefrom.

The record shows that:

1. On December 14, 2010, the examiner issued a non-final Office action and objected to the drawings under 37 CFR 1.83(a) because the drawings did not show the claimed features of the invention. The examiner stated that "half-round section" of claim 10 must be shown or the feature(s) canceled from the claim(s).
2. On March 21, 2011, the applicant filed an amendment adding new proposed drawings of Figs. 3 and 4 and accompanying amendments to pages 5 and 7 of the specification. In the

claim amendment, it is noted that objected limitation was cancelled with claim 10 but retained in the newly added claim 12.

3. On June 8, 2011, the examiner issued a final Office action rejecting all claims and maintaining the Rule 83 drawing objection. The examiner held that the new Figs. 3 and 4 filed on March 21, 2011 introduce new matter because there was no original disclosure to show the "crescent shaped cross section" as shown or as depicted. The examiner maintained drawing objection under 37 CFR 1.83(a). The applicant is required to cancel the new matted added and the claimed feature(s) must be shown or the feature(s) canceled from the claim 12.
4. On August 5, 2011, the applicant filed the instant petition requesting withdrawal of the examiner's objection to the drawings and newly amended specification on pages 5 and 7 for introducing new matter into the disclosure.

Discussion and Analysis

37 CFR 1.83(a) states:

> The drawing in a nonprovisional application must show every feature of the invention specified in the claims. However, conventional features disclosed in the description and claims, where their detailed illustration is not essential for a proper understanding of the invention, should be illustrated in the drawing in the form of a graphical drawing symbol or a labeled representation (*e.g.*, a labeled rectangular box). In addition, tables and sequence listings that are included in the specification are, except for applications filed under 35 U.S.C. 371 not permitted to be included in the drawings.

MPEP 608.04(a) Matter not in original specification, claims, or drawings, states:

> Matter not in the original specification, claims, or drawings is usually new matter. Depending on circumstances such as the adequacy of the original disclosure, the addition of inherent characteristics such as chemical or physical properties, a new structural formula or a new use may be new matter. See *Ex parte Vander Wal,* 109 USPQ 119, 1956 C.D. 11, 705 O.G. 5 (Bd. App. 1955) (physical properties), *Ex parte Fox*, 128 USPQ 157, 1960 C.D. 28, 761 O.G. 906 (Bd. App. 1957) (new formula) and *Ex parte Ayers,* 108 USPQ 444 (Bd. App. 1955) (new use). For rejection of claim involving new matter, see MPEP § 706.03(o).

In the petition, petitioner argues that the support can be found at second paragraph of page 7 and fifth paragraph of page 5. Petitioner concludes that the lateral obturator must necessarily have the crescent shape shown in FIGS. 3 and 4, as the interior contour of this lateral obturator must match the round contour of the central obturator.

In the final rejection of June 8, 2011, the examiner stated that the newly presented Figures 3 and 4 illustrate a crescent shaped cross-section that forms approximately a quarter of a full circle for the obturator needle. The examiner believes that there is no reasonable support in the originally filed papers to support the newly illustrated crescent shape or it's approximately quarter volume.

In order to determine whether or not the drawings submitted on March 21, 2011 introduce new matter into the disclosure, we look to the original disclosure to determine if the amendments to the drawings submitted on March 21, 2011 are supported by the original specification, claims and drawings. A review of the original disclosure reveals that there is no support in the original

disclosure. Paragraph 5 of page 5 only discloses that the obturation needle 1 is slightly cone-shaped. Paragraph 3 of page 7 of the specification discloses that the needle 11 presents a half-round section. This is insufficient disclosure in the originally filed specification to support this particularly added crescent shaped cross section. There is no basis in the originally filed papers for this particular shape, arrangement and proportion that the applicant now specifically illustrates in the new Figs. 3 and 4. Moreover, the illustration of the crescent shape cross section is *not the only* possible configuration from applicant's original description of the half round section. The claimed "half round" section could have been illustrated in many other alternatives. Any shape with a curve could potentially be "half round." Therefore, the examiner is correct in identifying the crescent shaped cross section as shown in the newly added Figs. 3 and 4 as new matter. The review of the record shows that the examiner was in compliance with proper examining practice as set forth in MPEP 608.04(a). The proposed drawing changes submitted on March 21, 2011 do introduce new matter into the specification. The examiner's objection to the drawings for introducing new matter into the disclosure in accordance with 37 CFR 1.83(a) is correct. Since the drawings objection for the introduction of new matter is correct, the accompanying amendment to the specification filed on March 21, 2011 also is properly considered as new matter. Under the circumstances, in order to satisfy 37 CFR 1.83 requirements, it is suggested that the applicant delete the term "half-round" from claim 12.

Conclusion

For the foregoing reasons, the relief requested by the petitioner will not be granted. Specifically, the examiner's objection to the proposed drawings in the final Office action dated June 8, 2011 for introducing new matter into the disclosure is proper. The application is being forwarded to the examiner via the Supervisory Patent Examiner of Art Unit 3732 for consideration of the Rule 116 Amendment filed on September 7, 2011. The mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings. Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision, 37 CFR 1.181(f). No extension of time under 37 CFR 1.136(a) is permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181". Any inquiry regarding this decision should be directed to Henry C. Yuen, SPE, TC 3700, at (571) 272-4856.

The petition is dismissed.

Sharon A. Gibson, Director
Technology Center 3700

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/312,860	05/29/2009	Hyun Seok Choi	29137.401.00	6687

30827 7590 03/03/2011

MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON, DC 20006

EXAMINER
REDDICK, MARIE L

ART UNIT	PAPER NUMBER
1762	

MAIL DATE	DELIVERY MODE
03/03/2011	PAPER

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MAR 3 2011

CST

In re application of	:	DECISION ON REQUEST TO
Hyun Seok Choi et al	:	PARTICIPATE IN PATENT
Serial No. 12/312,860	:	PROSECUTION HIGHWAY
Filed: May 29, 2009	:	PROGRAM AND
For: MANUFACTURING METHOD OF FILM	:	PETITION TO MAKE SPECIAL
HAVING MICRO-PATTERN THEREON	:	UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program, filed December 14, 2010.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO, note where the KIPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the KIPO application with similar claims and the KIPO priority application;

(2) Applicant must submit a copy of:
a. The allowable/patentable claim(s) from the KIPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
b. An English translation of the allowable/ patentable claim(s), if applicable; and
c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:
a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s); and
b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:

a. Documentation of prior office action:
   i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the KIPO application(s) containing the allowable/patentable claims(s) or
   ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
   iii. if the KIPO application is a first action allowance then no office action from the KIPO is necessary should be indicated on the request/petition form:

   Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
b. An English language translation of the KIPO Office action from (5)(a)(i)-(ii) above if applicable; and
c. A statement that the English translation is accurate; and

(6) Applicant must submit:

a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already submitted in this application)
b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Christine Tierney/

_____

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Prosecution Highway

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0068
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.	12/312,868	Filing date:	May 28, 2009
First Named Inventor:	Georg SCHNEIDER		
Title of the invention:	Method for Operating a Printing Unit Having at Least One Press Unit, and a Press Unit for Carrying Out t		

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/ESC/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/EP2007/061160

The international date of the corresponding PCT application(s) is/are: October 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/20/PCT-EP (05-10)
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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	12/312,868
First Named Inventor:	Georg SCHNEIDER

d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on May 29, 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 May 29, 2009

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
77 - 79	1 - 3	direct correspondence
80 - 85	4 - 9	U.S. claims amended to remove multiple dependencies
86	10	direct correspondence
87, 88	11, 12	U.S. claims amended to remove multiple dependencies
89	13	direct correspondence
90	14	U.S. claims amended to remove multiple dependencies
91	15	direct correspondence
92 - 98	16 - 22	U.S. claims amended to remove multiple dependencies

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Date: October 13, 2010
Name (Print/Typed): Douglas R. Hanscom	Registration Number: 26600

KARIN T. DUNN

GERMAN TRANSLATION AND LANGUAGE SERVICES
Certified by the American Translators Association

4706 OLDE FORGE CT., FAIRFAX, VA 22032
TELEPHONE, FAX: 703-426-1422 · DUNN6FAM@MSN.COM

Date: September 30th, 2010

DECLARATION

The undersigned, Karin T. Dunn, hereby states that she is well acquainted with both the English and German languages and that the attached is a true translation to the best of her knowledge and ability of the German text of the amended claims, submitted with the International Preliminary Report on Patentability, for PCT/EP2007/061160, which was filed on 18 October 2007 and was published on 5 June 2008 as WO 2008/064960 A1.

The undersigned declares that the above statement is true and that this statement was made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or document or any patent resulting therefrom.

Karin T. Dunn

Translation of the pertinent portions of a Notification of the Transmittal of the International Preliminary Report Regarding Patentability in accordance with Rule 71.1 PCT, mailed on 12/18/2008

2. This report comprises a total of 6 pages including this cover sheet.

3. Enclosures are also included with the report; these include

   A total of 12 pages *(sent to the applicant and to the International Authority)*, which include

   Pages containing the description, claims and/or drawings that have been amended and upon which this report is based, and/or pages containing corrections approved by the authority (see Rule 70.16 and section 607 of the Administrative Guidelines).

4. This report contains information on the following items:

Box I Basis of the Report

Box V Reasoned statement according to Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations to support such statement

Box I Basis of the Report

1. With regard to **language,** the opinion has been established on the basis of:

   the international application in the language in which it was filed.

2. With regard to the **components** of the international application the report is based upon

   Description, pages

3-23, 25-39, 41-55, 57-59	in the originally filed version
2, 24, 40, 56	received on 03/28/2008 with the letter dated 03/27/2008
1, 2a	received on 11/21/2008 via Telefax

   Claims, No.

1-22	received on 11/21/2008 via Telefax

   Drawings, pages

1/23-7/23, 9/23-23/23	in the originally filed version
8/23	received on 03/28/2008 with the letter dated 03/27/2008

Box V. Reasoned statement according to Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations to support such statement

1. Statement

Novelty (N)	Yes:	Claims 1-22
	No:	Claims
Inventive Step (IS)	Yes:	Claims 1-22
	No:	Claims
Industrial Applicability (IA)	Yes:	Claims 1-22
	No:	Claims

2. Citations and Explanations (Rule 70.7):
See supplementary pages

INTERNATIONAL PRELIMINARY REPORT REGARDING PATENTABILITY (SUPPLEMENTARY PAGES)

Re Item V.

Reasoned statement with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement

Reference is made to the following documents:

D1: DE 10 2004 052020 A1 (WIFAG MASCHF [CH]) 4 May 2006 (05/04/2006)
D2: EP-A-1 491 337 (KOMORI PRINTING MACH [JP]) 29 December 2004 (12/29/2004)

1. ***CLARITY (ARTICLE 6 PCT)***

From the second part of the characterizing portion of Claim 1 ("in that it is rotated in another, lower ...) it has been understood that this refers to the mounting of the printing plate.

2. ***INDEPENDENT CLAIM 1***

2.1. Document D1 discloses (references in parentheses refer to this document) a method for operating a nine-cylinder satellite printing unit (Fig. 9) having at least one first, lower printing couple with a plate cylinder (3) and at least one printing plate (4) that can be mounted on the plate cylinder (6) and that carries a print image, wherein the printing plate can be and/or is fastened with a first angled end, which in print operation is the leading end (Fig. 2), in a cylinder groove (implicit) of a plate cylinder (3), and can be and/or is fastened with a second angled end, which in print operation is the trailing end (Fig. 2), in the same or a different cylinder groove (implicit), wherein in another, lower printing couple (Fig. 9) of this nine-cylinder satellite printing unit another printing plate (4) is fastened with its first angled end, which in print operation is the leading end (Fig. 2), in the cylinder groove (implicit), wherein the plate cylinder (3) of the additional, lower printing couple is rotated for mounting in a direction of rotation that is the same as the production direction (implicit, because it is a customary process).

2.2. Claim 1 differs from D1 in that

(a) each plate cylinder of the nine-cylinder satellite printing unit is positively driven by a position-controlled drive motor, independently of the other plate cylinders of the nine-cylinder satellite printing unit,
(b) in the at least one first lower printing couple, the printing plate is first fastened in the cylinder groove with its second angled end, which in print operation is the trailing end, in that the plate cylinder of the at least one first lower printing couple is rotated in a direction of rotation counter to a production direction for

the purpose of mounting, in that the first angled end of the printing plate, which in print operation is the leading end, in the at least one first lower printing couple is fastened in a cylinder groove, in that the plate cylinder of the at least one first lower printing couple is then rotated in the production direction for a print operation.

The object of Claim 1 is therefore novel (Article 33(2) PCT).

2.3. *The problem to be solved consists in simplifying the mounting of printing plates on different, opposite plate cylinders.*

2.4. *It is obvious from D1, the plate changing devices are identical (D1, §[0031]). There is no mention of the direction of rotation of the respective plate cylinders. Although different directions of rotation (the same as the production direction or reversed) are known in the art (see, e.g., D2, §[0055] to §[0065]), a combination of the characterizing features of Document D1 with the characterizing features of Document D2 would not be obvious to one of ordinary skill in the art, because such a combination would require a different configuration for the printing plates, therefore the method resulting from the combination of D1 and D2 would not coincide entirely with the method according to Claim 1.*

The object of Claim 1 is therefore inventive (Article 33(3) PCT).

3. *INDEPENDENT CLAIM 3*

3.1. *D1 discloses (references in parentheses refer to this document) a method for operating a nine-cylinder satellite printing unit (Fig. 9), in which two printing couples can be accessed from one side of the nine-cylinder satellite printing unit (Fig. 9) and two printing couples can be accessed from the other side of the nine-cylinder satellite printing unit (Fig. 9), wherein in print operation, the four plate cylinders (3) of the four printing couples rotate in the same direction of rotation, and each supports printing plates (4) that each carry a print image.*

3.2. *Claim 3 differs from D1 in that with the plate cylinders on one side, the direction of rotation of the plate cylinders for mounting the printing plate on the plate cylinder is the same as the direction of rotation in print operation, in that with the plate cylinders on the other side, the direction of rotation of the plate cylinders for mounting the printing plates on the plate cylinders is reversed.*

The object of Claim 3 is therefore novel (Article 33(2) PCT).

3.3. *The problem to be solved consists in simplifying the mounting printing plates on different, opposite plate cylinders.*

3.4. *It is obvious from D1 that the plate changing devices are identical (D1, §[0031]). The direction of rotation of the respective plate cylinders is not mentioned. Although different directions of rotation (the same as the production direction or reversed) are known in the art (see, e.g., D2, §[0055] to §[0065]), a combination of the characterizing features of Document D1 with the characterizing features of Document D2 would not be obvious to one of ordinary skill in the art, because such a*

combination would require a different configuration of the printing plates, therefore the method resulting from the combination of D1 and D2 does not coincide entirely with the method according to Claim 3.

The object of Claim 3 is therefore inventive (Article 33(3) PCT).

4. DEPENDENT CLAIMS

Claims 2 and 4-22 are dependent upon Claim 1 or 3, and therefore also fulfill the requirements of the PCT with respect to novelty and an inventive step.

5. ADDITIONAL REMARKS

Claims 1-22 relate to a method for operating a nine-cylinder satellite printing unit and thus fulfill the requirements of Article 33(4) PCT.

Claims

1. Method for operating a nine-cylinder satellite printing unit (16; 17) having at least one first, lower printing couple (04; 28) with a plate cylinder (07) and at least one printing plate (101b), which can be mounted on the plate cylinder (07) and which carries a print image (105b), wherein the printing plate (101b) can be and/or is fastened with a first angled end (104), which in print operation is the leading end, in a cylinder groove (108) of a plate cylinder (07), and can be and/or is fastened with a second angled end (103), which in print operation is the trailing end, in the same or in a different cylinder groove (108), characterized in that each plate cylinder (07) of the nine-cylinder satellite printing unit (16; 17) is positively driven by a position-controlled drive motor (12), independently of the other plate cylinders (07) of the nine-cylinder satellite printing unit (16; 17), in that, in the at least one first, lower printing couple (04; 28) the printing plate (101b) is first fastened with its second angled end (103), which in print operation is its trailing end, in the cylinder groove (108), in that for mounting, the plate cylinder (07) of the at least one first, lower printing couple (04; 28) is rotated in a rotational direction (D) counter to a production direction (P), in that the first, angled end (104) of the printing plate (101b) of the at least one first, lower printing couple (04; 28), which in print operation is its leading end, is fastened in a cylinder groove (108), in that the plate cylinder (07) of the at least one first, lower printing couple (04; 28) is then rotated in production direction (P) for a print operation, in that in another, lower printing couple (03) of this nine-cylinder satellite printing unit (16; 17) another printing plate (101c) is fastened with its first, angled end (103), which in print operation is the leading end, in the cylinder groove (108), in that for mounting, the plate cylinder (07) of the other, lower printing couple (03) is rotated in the direction of rotation of production (P).

2. Method according to Claim 1, characterized in that the printing plates (101b; 101c) are each supplied and removed by means of a plate changing device (11) that has a horizontal plane that forms an angle smaller than 15° and that has at least two chute-like areas (141; 143) arranged side by side.

3. Method for operating a nine-cylinder satellite printing unit (16; 17), in which two printing couples (04; 22 or 28; 31) can be accessed from one side of the nine-cylinder satellite printing unit (16; 17) and two printing couples (03; 21 or 29; 32) can be accessed from the other side of the nine-cylinder satellite printing unit (16; 17), wherein in print operation, the four plate cylinders (07) of the four printing couples (03; 04; 21; 22 or 28; 29; 31; 32) rotate in the same rotational direction and carry printing plates (101a; 101b; 101c; 101d), each of which has a print image (105a; 105b; 105c; 105d), characterized in that with the plate cylinders (07) on one side, the direction of rotation for mounting the printing plates (101c; 101d) on the plate cylinder (07) is the same as the direction of rotation for print operation, in that with the plate cylinders (07) on the other side, the direction of rotation of the plate cylinder (07) is reversed for mounting the printing plates (101a; 101b) on the plate cylinder (07).

4. Method according to Claim 1 or 3, characterized in that on the first end (103) of the printing plate (101a; 101b; 101c; 101d) a suspension leg (113) is angled at an opening angle of 35° to 55°.

5. Method according to Claim 1 or 3, characterized in that on the second end (104) of the printing plate (101a; 101b; 101c; 101d) a suspension leg (114) is angled at an opening angle of 80° to 100°.

6. Method according to Claim 1 or 3, characterized in that both the first end (103) and the

second end (104) of the printing plate (101; 101a; 101b; 101c; 101d) are angled at least substantially at a right angle (α).

7. Method according to Claim 1 or 3, characterized in that both the first end (103) and the second end (104) of the printing plate (101; 101a; 101b; 101c; 101d) are angled at an angle (α) of between 80° and 100°.

8. Method according to Claim 6 or 7, characterized in that both the first end (103) and the second end (104) of the printing plate (101; 101a; 101b; 101c; 101d) are angled at an angle (α) of 90°.

9. Method according to Claim 1 or 3, characterized in that the first end (103) and the second end (104) of the printing plate (101; 101a; 101b; 101c; 101d) are angled at the same angle (α).

10. Method according to Claim 1, characterized in that four plate cylinders (07) of four printing couples (03; 04; 21; 22 or 28; 29; 31; 32) of the nine-cylinder satellite printing unit (16; 17) rotate in the same rotational direction during print operation.

11. Method according to Claim 1 or 3, characterized in that the printing plates (101a; 101b or 101c; 101d) are supplied to the plate cylinders (07) of the printing couples (03; 04; 21; 22 or 28; 29; 31; 32) from two opposite sides of the nine-cylinder satellite printing unit (16; 17), and thus in at least substantially opposite directions.

12. Method according to Claim 10 or 11, characterized in that in order to mount the printing plates (101a; 101b) on the plate cylinders (07) arranged on one of the two sides of the nine-cylinder satellite printing unit (16; 17), the direction of rotation (D) of those plate cylinders is reversed.

13. Method according to Claim 12, characterized in that the direction of rotation (D) is reversed for the plate cylinders (07) to which the colors black and cyan or the colors magenta and yellow are assigned.

14. Method according to Claim 1 or 3, characterized in that each plate cylinder (07) has two, three, four, five, six or eight printing plates (101) arranged side by side in an axial direction.

15. Method according to Claim 3, characterized in that each plate cylinder (07) of the nine-cylinder satellite printing unit (16; 17) is positively driven via a position-controlled drive motor (12), independently of the other plate cylinders (07) of the nine-cylinder satellite printing unit (16; 17).

16. Method according to any one of Claims 10 to 14, characterized in that each plate cylinder (07) is positively driven via a position-controlled drive motor (12), independently of a satellite cylinder (18).

17. Method according to Claim 1 or 3, characterized in that the print image (105a; 105b) has an end (106) that is leading in print operation and an end (110) that is trailing in print operation.

18. Method according to Claim 1 or 3, characterized in that for the printing couples (04; 22 or 28; 31 or 03; 21 or 29; 32) on one of the two sides, the print image (105a; 105b) is applied to the printing plates (101a; 101b) of the corresponding plate cylinder (07) in an orientation rotated 180°.

19. Method according to Claim 1 or 3, characterized in that printing plates (101a; 101b) are supplied to the corresponding plate cylinders (07) on one side from that side, and printing plates (101c; 101d) are supplied to the corresponding plate cylinders (07) on the other side from that other side.

20. Method according to Claim 1 or 3, characterized in that the printing plates (101a; 101b; 101c; 101d) are each supplied to an upper area of the assigned plate cylinder (07).

21. Method according to Claim 1 or 3, characterized in that the printing plate change is carried out using at least one manipulation device (41) having at least one gripper element (42).

22. Method according to Claim 1 or 3, characterized in that the printing plates (101b; 101c) are supplied by the plate changing devices (11) to an upper area of the plate cylinders (07) of the two lower printing couples (03; 04).

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/312,868	05/29/2009	Georg Schneider	W1.2810 PCT-US	3760

23294 7590 11/08/2010
JONES, TULLAR & COOPER, P.C.
P.O. BOX 2266 EADS STATION
ARLINGTON, VA 22202

EXAMINER	
ART UNIT	PAPER NUMBER
2854	

MAIL DATE	DELIVERY MODE
11/08/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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JONES, TULLAR & COOPER, P.C.
P.O. BOX 2266 EADS STATION
ARLINGTON VA 22202

In re Application of
SCHNEIDER et al.
Application No.: 12/312,868
Filed: 29 May 2009
Attorney Docket No.: W1.2810 PCT-US
For: METHOD FOR OPERATING A PRINTING UNIT HAVING AT LEAST ONE PRESS UNIT, AND A PRESS UNIT FOR CARRYING OUT THE METHOD

: 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 13 October 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 03-10-12

TO SPE OF : ART UNIT 1637

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/312903 Patent No.: 7883869

CofC mailroom date: 02-28-12

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 /Gary Benzion/ **Art Unit** 1637

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20TH FLOOR
NEW YORK, NY 10112

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JUL 15 2011

OFFICE OF PETITIONS

In re Application of :
SUH, et al :
Application No. 12/312,905 : DECISION ON PETITION
Filed: May 29, 2009 : TO WITHDRAW
Attorney Docket No. 6342/80517 : 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 27, 2011 and July 5, 2011.

The request is **NOT APPROVED.**

A review of the file record indicates that Norman H. Zivin does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

The Office will no longer approve requests from practitioners to withdraw from applications where the requesting practitioner is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34. In these situations, the practitioner is responsible for the correspondence the practitioner files in the application while acting in a representative capacity. As such, there is no need for the practitioner to obtain the Office's permission to withdraw from representation. However, practitioners acting in a representative capacity, like practitioners who have a power of attorney in the application, remain responsible for noncompliance with 37 CFR 1.56, as well as 37 CFR 10.18, with respect to documents they file.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272- 6735.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc: JOON TAIK SUH
841-4, SONG JUNG-DONG
KWANGSAN-GU KWANGIU-SHI REP. OF KOREA

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OFFICE OF PETITIONS

In re Application of
SUH, et al
Application No. 12/312,905
Filed: May 29, 2009
Attorney Docket No. 6342/80517

DECISION ON PETITION

This is a decision on the Communication filed August 25, 2011, which was filed in response to the Decision on the Request to Withdraw from record under 37 C.F.R. §1.36(b).

In response to the Communication dated August 25, 2011, the Office acknowledges that the only attorney of record is Richard F. Jaworski. However, the Requests to Withdraw from record filed June 27, 2011 and July 5, 2011, were submitted by Norman H. Zivin. Attorney Norman H. Zivin does not have power of attorney in the instant application and cannot withdraw. In this regard, the Requests to Withdraw were not applicable and could not be approved. Since the only attorney of record is Richard F. Jaworski at the address indicated above, all future correspondence from the Office will continue to be directed to the address indicated above until either Richard F. Jaworski files a proper Request to Withdraw from record and the Request is approved or until the Office is properly notified by the applicant.

Telephone inquires concerning this decision should be directed to undersigned at (571) 272-6735.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

27 AUG 2010

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Townsend and Townsend and Crew LLP
Two Embarcadero Center, 8th Floor
San Francisco, CA 84111

In re Application of	:	
Gauer et al.	:	
Application No.: 12/312,906	:	
PCT No.: PCT/EP2007/008123	:	
Int. Filing Date: 18 September 2007	:	DECISION
Priority Date: 30 November 2006	:	
Attorney Docket No.: 021594-013700US	:	
For: Method For Carrying Out An Enzymatic Reaction	:	

This is in response to the petition under 37 CFR 1.182 filed on 25 June 2010.

DISCUSSION

In a Decision mailed on 26 April 2010, applicants were advised (*inter alia*) that

> counsel characterizes the fourth signature as an accidental, duplicate signature by Wolfgang Mann. Counsel also asserts that the discrepancy in Marianna Alunni-Fabbroni's name constitutes a typographical error, and requests that it be excused by reference to MPEP 605.04(b). However, applicants are respectfully advised that, under existing policy, the inversion of an inventor's names in this manner is not regarded as a typographical error, even if it occurred unintentionally. In such an instance, the appropriate remedy is as explained in the previous decision (that is, via the filing of either a grantable petition under 37 CFR 1.182 or a new, acceptable oath or declaration). In the absence of either of these submissions, it would not be appropriate to grant the requested relief at this time.

In response, counsel has filed a declaration newly signed by inventors Mann and Alunni-Fabbroni, as well as a copy of a declaration filed on 02 November 2009. Review of these documents reveals that the new declaration nominates the same inventive entity as was named in the published international application, and has been signed by inventors Mann and Alunni-Fabbroni. It appears that this declaration was altered after it was signed because the alterations are initialed with a date of "12/05/10," while the declaration was signed on "11/05/2010." The other declaration, which is a copy of an earlier-filed declaration, has been signed by the third inventor, Christopf Gauer. However, that declaration does not nominate the same inventive entity as the international application (due to the inversion of Alunni-Fabbroni's names). Though counsel has filed a petition under 37 CFR 1.182, applicants have not presented evidence or arguments sufficient to warrant acceptance of the inventors' names as they appear on said declaration. Petitioner may wish to attempt to secure the inventors' execution of a declaration similar to the newly-presented declaration, without alterations being made after signature.

DECISION

The petition is **DISMISSED**, without prejudice.

Applicants are required to submit the reply described above within **TWO (2) MONTHS** from the mailing date of this Decision, extendable under 37 CFR 1.136(a). Failure to timely reply 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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DEC 23 2010

PCT LEGAL ADMINISTRATION

Townsend and Townsend and Crew LLP
Two Embarcadero Center, 8th Floor
San Francisco, CA 84111

In re Application of
Gauer et al.
Application No.: 12/312,906
PCT No.: PCT/EP2007/008123
Int. Filing Date: 18 September 2007
Priority Date: 30 November 2006
Attorney Docket No.: 021594-013700US
For: Method For Carrying Out An Enzymatic Reaction

DECISION

This is in response to the renewed petition under 37 CFR 1.182 filed on 26 October 2010.

DISCUSSION

In a Decision mailed on 27 August 2010, applicants were advised (*inter alia*) that

counsel has filed a declaration newly signed by inventors Mann and Alunni-Fabbroni, as well as a copy of a declaration filed on 02 November 2009. Review of these documents reveals that the new declaration nominates the same inventive entity as was named in the published international application, and has been signed by inventors Mann and Alunni-Fabbroni. It appears that this declaration was altered after it was signed because the alterations are initialed with a date of "12/05/10," while the declaration was signed on "11/05/2010." The other declaration, which is a copy of an earlier-filed declaration, has been signed by the third inventor, Christopf Gauer. However, that declaration does not nominate the same inventive entity as the international application (due to the inversion of Alunni-Fabbroni's names). Though counsel has filed a petition under 37 CFR 1.182, applicants have not presented evidence or arguments sufficient to warrant acceptance of the inventors' names as they appear on said declaration. Petitioner may wish to attempt to secure the inventors' execution of a declaration similar to the newly-presented declaration, without alterations being made after signature.

In response, counsel has provided a statement signed by Marianna Alunni-Fabbroni, who asserts her status as an inventor, confirms her correct name, notes the error in her name appearing on the declaration filed on 02 November 2009, states that she in fact signed said declaration, and indicates that the "error occurred without any deceptive intent on my part." In view of the evidence now of record, it would be appropriate to accept the declaration filed on 02 November 2009 for purposes of compliance with 37 CFR 1.497(a) and (b).

DECISION

The petition is **GRANTED**.

This application is being returned to the Office of Patent Application Processing. Its date under 35 U.S.C. 317(c)(1), (2) and (4) is **02 November 2009**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration

Tel: (571) 272-3283

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JAN 19 2011

PCT LEGAL ADMINISTRATION

KLAUBER & JACKSON
411 HACKENSACK AVENUE
HACKENSACK NJ 07601

In re Application of
HODGKIN et al.
Serial No.: 12/312,933
PCT No.: PCT/AU07/01842
Int. Filing Date: 30 November 2007
Priority Date: 01 December 2006
Attorney's Docket No.: 3137-1-003PCT/US
For: A CELL POPULATION SYSTEM AND PROCESS

DECISION ON PETITION

UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 18 November 2010 in the above-captioned application is hereby **GRANTED** .

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" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the petition fee of $820 (small entity) has been paid. Applicant also filed two complete declarations, newly executed by the inventors, which are acceptable and in compliance with 37 CFR 1.497(a) and (b). Thus, 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 for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 12 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

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400 White Oaks Boulevard
Bridgeport, WV 26330

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OCT 01 2010

OFFICE OF PETITIONS

In re Application of
Anthony B. Szwilski. et. al.
Application No. 12/312,937
Filed: June 1, 2009
Attorney Docket No. 553370/00006US

DECISION ON PETITION
TO WITHDRAW FROM
RECORD

This is a decision on the renewed request to withdraw as attorney or agent of record under 37 CFR §§ 1.36(b), or 10.40 filed July 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 request was signed by Michael B. Pallay on behalf of himself. Therefore, Michael B. Pallay has been withdrawn as attorney or agent and all other attorneys/agents remain of record.

The correspondence address of record remains unchanged.

This application is being referred to Technology Center Art Unit 2857 for examination in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

Andrea Smith
Petitions Examiner
Office of Petitions

cc: Steptoe & Johnson, PLLC
P.O. Box 2190
Clarksburg, WV 26302

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SEP 01 2010

OFFICE OF PETITIONS

In re Application of	:	
Andrei Smirnov	:	
Application No. 12/312,938	:	DECISION ON PETITION
Filed: June 1, 2009	:	TO WITHDRAW
Attorney Docket No. 831510/00001US	:	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 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. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Michael B. Pallay, former attorney associated with customer number 27036. Michael B. Pallay has been withdrawn from record. All other attorneys/agents will remain of record.

The correspondence address will remain the same.

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: Michael B. Pallay
P.O. Box 2190
Clarksburg, WV 26302

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SONYJP
Lerner, David, Littenberg, Krumholz & Mentlik, LLP
600 South Ave West
Westfield, NJ 07090

MAILED

AUG 02 2011

OFFICE OF PETITIONS

In re Application of :
Yasushi MIYAJIMA, et *al.* :
Application No. 12/312,947 : DECISION GRANTING PETITION
Filed: May 28, 2009 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **SONYJP 3.3-1509** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed August 1, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on July 13, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2832 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

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[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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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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DAVIDSON BERQUIST JACKSON & GOWDEY LLP
4300 WILSON BLVD., 7TH FLOOR
ARLINGTON, VA 22203

MAILED
NOV 03 2010
PCT LEGAL ADMINISTRATION

In re Application of ROLANDO et al :
U.S. Application No.: 12/312,978 :
PCT Application No.: PCT/IT2006/000836 :
Int. Filing Date: 04 December 2006 : DECISION
Priority Date Claimed: none :
Attorney Docket No.: 2675-0056 :
For: PULLEY TENSIONER FOR A BELT DRIVE :
FOR USE IN CONTACT WITH OIL :

This is in response to applicant's petition filed 31 August 2010, which is being treated under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 04 December 2006, applicant filed international application PCT/IT2006/000836. A copy of the international application was communicated to the USPTO from the International Bureau on 12 June 2008. The thirty-month period for paying the basic national fee in the United States expired on 04 June 2009.

On 03 June 2009, 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 07 January 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 04 February 2010, applicant purportedly filed an executed declaration.

On 25 August 2010, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909), which stated that the application is abandoned for failure to timely respond to the Notification of Missing Requirements.

On 31 August 2010, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

The petition includes a copy of a USPTO-generated auto-reply facsimile transmission which sufficiently demonstrates that the declaration was filed on the date alleged.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is GRANTED.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 25 August 2010 is hereby VACATED.

The application has an International Filing Date under 35 U.S.C. 363 of 04 December 2006, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 04 February 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

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:

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : October 5,2011

In re Application of :

Takaya Soma

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12312986

Filed : 03-Jun-2009

Attorney Docket No : 141790

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed October 5,2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 2858 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	12312986
Filing Date	03-Jun-2009
First Named Inventor	Takaya Soma
Art Unit	2858
Examiner Name	BOT LEDYNH
Attorney Docket Number	141790
Title	VEHICLE, VEHICLE CONTROL METHOD AND COMPUTER-READABLE RECORDING MEDIUM BEARING PROGRAM FOR CAUSING COMPUTER TO EXECUTE THE VEHICLE CONTROL METHOD

An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).

A grantable petition requires the following items:
(1) Petition fee; and
(2) One of the following reasons:
(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;
(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or
(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).

Petition Fee

☐ Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

☐ Applicant(s) status remains as SMALL ENTITY.

☒ Applicant(s) status remains as other than SMALL ENTITY

Reason for withdrawal from issue

◯ One or more claims are unpatentable ◉ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees) ◯ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).
RCE request,submission, and fee. ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that : The RCE request ,submission, and fee have already been filed in the above-identified application on ☒ Are attached.
THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES I certify, in accordance with 37 CFR 1.4(d)(4) that I am: ◉ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application. ◯ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity. ◯ A sole inventor ◯ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors ◯ A joint inventor; all of whom are signing this e-petition ◯ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/James A. Oliff/
Name	James A. Oliff
Registration Number	27075

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FEB 15 2011

PCT LEGAL ADMINISTRATION

JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON DC 20004

In re Application of	:	
ALFORD et al.	:	
Application No.: 12/312,989	:	DECISION
PCT No.: PCT/AU2007/001864	:	
Int. Filing Date: 04 December 2007	:	
Priority Date: 05 December 2006	:	
Attorney Docket No.: P73127US0	:	
For: FOLDABLE ENCLOSURE	:	

This is a decision on applicants' petition under 37 CFR 1.47(a) filed 15 December 2010 in the United States Patent and Trademark Office (USPTO). The petition is **GRANTED**.

BACKGROUND

On 04 December 2007, applicants filed international application PCT/AU2007/001864, which designated the United States and claimed a priority date of 05 December 2006. A copy of the international application was communicated from the International Bureau to the USPTO on 12 June 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 05 June 2009.

On 03 June 2009, 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.

On 24 September 2009, 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. The NOTIFICATION set a two-month extendable period for response.

On 24 November 2009, applicants filed a declaration of inventors.

On 07 December 2009, the DO/EO/US mailed a NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) indicating, *inter alia*, that the declaration of inventors filed

24 November 2009 was not in compliance with 37 CFR 1.497(a)-(b) because it was not signed by all of the inventors and that a new declaration was required.

On 12 April 2010, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a five-month extension of time, a declaration of inventors, and a declaration of facts by John Demartins.

On 21 June 2010, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.47(a).

On 15 December 2010, applicants filed the instant renewed petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a four-month extension of time and a declaration of facts by Eddy Feligueira 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 mailed 21 June 2010, items (1), (3), and (4) have been satisfied.

Item (2) has now been satisfied as well. It has been established that non-signing inventors Arnold Alford and Razvan Gornoviceanu were provided with a copy of the application papers and that they each refuse to sign.

CONCLUSION

For the reasons set forth above, applicants' renewed 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 of **12 April 2010**.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

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Alexandria, VA 22313-1450
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FEB 15 2011

PCT LEGAL ADMINISTRATION

Mr. Razvan Gornoviceanu
54 Rue Charles Martel
Luxembourg L-2134
LUXEMBOURG

In re Application of
ALFORD et al.
Application No.: 12/312,989
PCT No.: PCT/AU2007/001864
Int. Filing Date: 04 December 2007
Priority Date: 05 December 2006
Attorney Docket No.: P73127US0
For: FOLDABLE ENCLOSURE

Dear Mr. Gornoviceanu:

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

JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
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WASHINGTON DC 20004

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FEB 15 2011

PCT LEGAL ADMINISTRATION

Mr. Arnold Alford
3 Castell Place
Kincumber
New South Wales 2251
AUSTRALIA

In re Application of
ALFORD et al.
Application No.: 12/312,989
PCT No.: PCT/AU2007/001864
Int. Filing Date: 04 December 2007
Priority Date: 05 December 2006
Attorney Docket No.: P73127US0
For: FOLDABLE ENCLOSURE

Dear Mr. Alford:

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

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WASHINGTON DC 20004

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LUMEN PATENT FIRM
350 Cambridge Avenue
Suite 100
PALO ALTO CA 94306

MAILED

NOV 08 2011

OFFICE OF PETITIONS

In re Application of :
Guadalupe C. Garcia :
Application No. 12/313008 : ON PETITION
Filing or 371(c) Date: 11/13/2008 :
Attorney Docket Number: :
GCG-105/CIP/CON/CON/CON :

This is a decision on the petition to revive the above-identified application under the unintentional provisions of 37 CFR 1.137(b), filed October 17, 2011.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of March 2, 2011. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). Applicant filed a reply and an extension of time on September 7, 2011; however, the reply failed to place the application in condition for allowance. Accordingly, the date of abandonment of this application is September 8, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of 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.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

This application is being referred to Technology Center AU 3652 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.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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AT & T LEGAL DEPARTMENT - WS
ATTN: PATENT DOCKETING
ROOM 2A-207
ONE AT & T WAY
BEDMINSTER NJ 07921

MAILED

JUN 16 2011

OFFICE OF PETITIONS

In re Application of :
Paul Shala Henry :
Application No. 12/313,096 : ON PETITION
Filed: November 17, 2008 :
Attorney Docket Number: 2004-0028A CON1 :

This is a decision on the request filed May 17, 2011, to include assignee information on the front of the Patent.

The petition is **DISMISSED**.

Petitioner states that the current Assignee of this patent application is AT&T Intellectual Property II, L.P., that no assignment has been recorded as per 37 C.F.R. 3.11 but notwithstanding the lack of recordation, requests that the assignee name and residence be printed on the patent.

Petitioner is advised that no assignment information has been provided on form PTOL-85(b) but that Office assignment records reflect that **AT&T CORP.** is the assignee of record, not AT&T Intellectual Property II, L.P. as indicated in the request.

Further, pursuant to 37 CFR 3.81(a), as it relates to a request made with payment of the issue fee, for issuance of a patent to the assignee, an application may issue in the name of the assignee consistent with the application 's assignment where a request for such issuance is submitted with payment of the issue fee, provided the assignment has been previously recorded in the Office. If the assignment has not been previously recorded, the request must state that the document has been filed for recordation as set forth in 37 CFR § 3.11.

Petitioners acknowledge that the assignment to AT&T Intellectual Property II, L.P. has not been recorded however, no evidence has been provided that the assignment document has been filed, thus the petition is not grantable.

Any request for reconsideration should be filed within **TWO MONTHS** of the date of this decision in order to be considered timely. This time period may not be extended pursuant to 37 CFR 1.136. The application will be retained in the Office of Petitions for **TWO (2) MONTHS** to await petitioner's reply to this decision.

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
Office of Petitions

Telephone inquiries regarding this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SEP 13 2010

OFFICE OF PETITIONS

KALMAN N LEHOCZKY
4411 16TH AVE EAST
PALMETTO FL 34221

In re Application of :
Kalman N. Lehoczky :
Application No. 12/313,100 : ON PETITION
Filed: November 18, 2008 :
Title: Direct Driven Free Flow :
Turbine

This is a decision on the renewed petition under 37 CFR 1.181, filed June 12, 2010, which is being treated as a petition to revive under 37 CFR 1.137(b) due to the fact that petitioner paid the $810 filing fee for a petition under 37 CFR 1.137(b).

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to file a timely, proper reply to the Notice to File Corrected Application Papers mailed December 9, 2008. This Notice set an extendable period for reply of two (2) months for applicant to submit an Abstract, together with $110. Applicant paid the fee on January 12, 2009. However, Applicant did not submit an Abstract. Accordingly, the Office mailed a Notice of Incomplete Reply on February 10, 2009. The Notice informed Applicant that the Abstract was missing, and that the period for reply remained as set forth in the previously mailed Notice. Applicant filed an Abstract on February 20, 2009, and submitted $60 for a one month extension of time. However, the fee in effect at that time for a one month extension of time was $65. The Office mailed Applicant a Notice of Incomplete Reply on March 25, 2009, informing him of this fact, and again stating that the period for reply would continue to run from the mailing date of the December 9, 2008 Notice (i.e. the March 25, 2009 Notice did not set a period for applicant to submit the missing $5). On April 8, 2009, Applicant

submitted $5. However, on April 8, 2009, the Office needed the fee for a two month extension of time. No further extension of time fee having been received, the application became abandoned on March 10, 2009. The Office mailed a Notice of Abandonment on January 22, 2010. Applicant filed a petition to withdraw the holding of abandonment on February 1, 2010. However, the petition was dismissed in a decision mailed on April 14, 2010.

With the instant petition, petitioner paid the $810 filing fee for a petition to revive under 37 CFR 1.137(b). The proper reply in the form of the Abstract and the $110 examination fee were previously filed on January 12, 2009 and February 20, 2009.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3). The statement contained in the instant petition is being construed as the statement required by 37 CFR 1.137(b)(3). Petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

Petitioner also paid the $270 filing fee for a petition to revive under 37 CFR 1.137(a). However, as only the $810 fee was required, $270 will be refunded to petitioner under separate cover.

The application is being forwarded to the Office of Patent Application Processing for pre-examination processing, using the $110 fee filed on January 12, 2009, and the Abstract filed on February 20, 2009.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Paper No.

Elizabeth R. Hall
Elizabeth R. Hall & Associates, P.C.
P.O. Box 66629
HOUSTON TX 77266-6629

MAILED
AUG 22 2011
OFFICE OF PETITIONS

In re Application of	:	
Goldknopf	:	
Application No. 12/313,136	:	DECISION ON PETITION
Filed: November 17, 2008	:	PURSUANT TO
Attorney Docket No.: POW3-P01108	:	37 C.F.R. § 1.137(B)
Title: IDENTITIES, SPECIFICITIES, AND USE OF TWENTY TWO (22) DIFFERENTIALLY EXPRESSED PROTEIN BIOMARKERS FOR BLOOD BASED DIAGNOSIS OF BREAST CANCER	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed July 19, 2011, to revive the above-identified application.

This petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED.**

The above-identified application became abandoned for failure to file a proper response to the Restriction Requirement, mailed November 19, 2010, which set a shortened statutory period to reply of one month. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on December 20, 2010. A notice of abandonment was mailed on June 14, 2011.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
(4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner has submitted, *inter alia*, the petition fee, an election of species, and the proper statement of unintentional delay.

As such, the first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.[1]

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the election of species that was received on July 19, 2011 can be processed in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by the Technology Center in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Technology Center where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[2] All other inquiries

1 See Rule 1.137(d).
2 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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MAILED
AUG 12 2011
OFFICE OF PETITIONS

Paper No.

Elizabeth R. Hall
Elizabeth R. Hall & Associates, P.C.
P.O. Box 66629
HOUSTON TX 77266-6629

In re Application of	:	
Goldknopf	:	
Application No. 12/313,139	:	DECISION ON PETITION
Filed: November 17, 2008	:	PURSUANT TO
Attorney Docket No.: POW3-P012US	:	37 C.F.R. § 1.137(B)
Title: ISOFORM SPECIFICITIES OF BLOOD SERUM PROTEINS AND THEIR USE AS DIFFERENTIALLY EXPRESSED PROTEIN BIOMARKERS FOR DIAGNOSIS OF BREAST CANCER	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed July 19, 2011, to revive the above-identified application.

This petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED.**

The above-identified application became abandoned for failure to file a proper response to the Restriction Requirement, mailed November 19, 2010, which set a shortened statutory period to reply of one month. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on December 20, 2010. A notice of abandonment was mailed on June 14, 2011.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office

action or notice, unless previously filed;
(2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
(4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner has submitted the petition fee, an election of species, and the proper statement of unintentional delay.

As such, the first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.[1]

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the election of species that was received on July 19, 2011 can be processed in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by the Technology Center in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Technology Center where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[2] All other inquiries

1 See Rule 1.137(d).
2 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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HAVERSTOCK & OWENS LLP
162 N WOLFE ROAD
SUNNYVALE CA 94086

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MAR 16 2011

OFFICE OF PETITIONS

In re Application of :
Hua et al. :
Application No. 12/313,193 :
Filed: November 17, 2008 :
Attorney Docket No. VIDI-00201 :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 2, 2011.

The request is **NOT APPROVED.**

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Thomas B, Haverstock on behalf of all attorneys of record associated with Customer Number 28,960. However, since the practitioners were not appointed by a Customer Number upon filing of the instant application, petitioner may not withdraw the practitioners by Customer Number.

Further, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> ***An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.***

According to a review of current USPTO records petitioner has not recognized the current recorded assignee concerning the above-identified application or the first listed inventor. Vidient, LLC is not the current assignee of the above- identified application. Further, as there is currently no Statement under 37 CFR 3.73(b) of record in the instant application for the current assignee, the Office cannot change the correspondence address

to the address on the Request to Withdraw. 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED

OCT 20 2011

OFFICE OF PETITIONS

Paper No.

Steven Horowitz
Counselor At Law
295 Madison Avenue
Suite 700
New York NY 10017

In re Application of :
Thomas and Mitropoulos :
Application No. 12/313,218 : DECISION ON PETITION
Filed: November 18, 2008 : UNDER 37 C.F.R. § 1.137(B)
Title: PICTORIAL MARKINGS ON :
CONSTRUCTION MATERIALS FOR :
SPEED :

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b) to revive the above-identified application, filed on September 26, 2011.

This petition is **DISMISSED**.

The concurrently submitted Revocation of Power of Attorney and Change of Correspondence Address has not been entered, as it has been signed by only one of the two joint inventors, and a Power of Attorney that has been executed by the remaining joint inventor has not been located in the electronic file.

It is noted in passing that the first-named inventor disputes the listing of the second-named inventor as an inventive entity. The electronic file contains a fully-executed declaration that was included on filing, which lists both individuals as inventive entities. If the second-named inventor was listed as an inventive entity in error, a petition pursuant to 37 C.F.R. § 1.48(a) would be the appropriate method of correcting the inventorship.

The above-identified 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 months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on November 21, 2010. A notice of abandonment was mailed on March 10, 2011.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
(4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner has included the petition fee and the proper statement of unintentional delay.

Petitioner has met requirements two and three of Rule 1.137(b). The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.[1] The first requirement has not been satisfied, as will now be pointed out.

Regarding the first requirement, the requirement has not been satisfied because Petitioner did not submit the required reply to the Office action. The required reply is a reply which would have been sufficient to have avoided abandonment, had such reply been timely filed.[2] In order for the application to be revived, Petitioner must submit a reply which satisfies 37 C.F.R. § 1.137(b)(1) (*i.e.*, a response to the non-final Office action of August 20, 2010). **A response to the non-final Office action of August 20, 2010 has not been located in the electronic file.**

1 See Rule 1.137(d).
2 See M.P.E.P. § 711.03(c).

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. 1.137(b)" and should include a response to the non-final Office action of August 20, 2010. This is not a final agency action within the meaning of 5 U.S.C § 704.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[3] hand-delivery,[4] or facsimile.[5] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[6]

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.[7] All other inquiries concerning examination procedures should be directed to the Technology Center.

The address listed on the petition differs from the address of record. The application file does not indicate a *properly executed* change of correspondence address has been filed in this case, although the address given on the petition differs from the address of record. If Petitioner desires to receive future correspondence regarding this application, a properly executed change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to Petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. Petitioner will not receive future

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3 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
4 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
5 (571) 273-8300: please note this is a central facsimile number.
6 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html
7 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

correspondence related to this application unless a properly executed Change of Correspondence Address, Patent Form (PTO/SB/122) is submitted for the above-identified application. For Petitioner's convenience, a blank Change of Correspondence Address, Patent Form (PTO/SB/122), may be found at http://www.uspto.gov/web/forms/sb0122.pdf.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

cc: Melton L. Thomas
619 West 163rd Street
Apt. # 33
New York, NY 10032

UNITED STATES PATENT AND TRADEMARK OFFICE

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REIDLAW, L.L.C.
1926 S. VALLEYVIEW LANE
SPOKANE WA 99212

MAILED

APR 02 2012

OFFICE OF PETITIONS

In re Application of
Randy D. Sines
Application No. 12/313,328
Filed: November 18, 2008
Attorney Docket No. VE9-010

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b)[1], filed March 5, 2012, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely file a reply to the Final Office action mailed December 9, 2009. Petitioner was advised by way of an Advisory Action mailed April 29, 2010, that the response filed March 12, 2010 (certificate of mail date March 9, 2010) failed to place the application in condition for allowance. Accordingly, a Notice of Abandonment was mailed July 8, 2010.

The present petition under 37 CFR 1.137(b) is accompanied by an amendment.

The Examiner has determined that the amendment filed with the present petition places the application in condition for allowance.

The matter is being referred to Technology Center 2876.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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[1]Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In 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)).

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MCNAIR LAW FIRM, P.A.
P.O. BOX 447
GREENVILLE SC 29602-0447

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AUG 29 2011

OFFICE OF PETITIONS

In re Application of :
John Bryan Beatenbough, et al. :
Application No. 12/313,333 :
Filed: November 19, 2008 :
Attorney Docket No. **048381.00006** :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed July 8, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks a forwarding correspondence address of the first named inventor or a properly intervening assignee.

If the forwarding correspondence address is to the assignee, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *that properly became of record under 37 CFR 3.71.* 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-2991.

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **EFFICIENTLIGHTS, LLC**
233 CAMSON ROAD, SUITE B
ANDERSON, SC 29625

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COOPER & DUNHAM, LLP
30 Rockefeller Plaza
20th Floor
NEW YORK NY 10112

MAILED

JAN 11 2011

OFFICE OF PETITIONS

In re Application of :
Vorsa, et al. :
Application No. 12/313,356 : ON PETITION
Filed: November 18, 2008 :
Attorney Docket No. **79162-z/LPW/MC** :

This is a decision on the petition under 37 CFR 1.137(b), filed November 24, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on February 13, 2009, for failure to respond to the Notice to File Corrected Application Papers mailed December 12, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a replacement drawing sheets; (2) the petition fee of $810.00, and (3) an adequate statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

The application file is being directed to the Office of Patent Application Processing further processing.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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O'MALLEY AND FIRESTONE
919 SOUTH HARRISON STREET
SUITE 210
FORT WAYNE IN 46802

MAILED

FEB 10 2011

OFFICE OF PETITIONS

In re Application:	:	
Curtis E. Graber	:	
Application No. 12/313,426	:	ON PETITION
Filed: November 20, 2008	:	
Attorney Docket No. CUSTO-07005	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed January 10, 2011.

On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

However, an itemization of the total deficiency payment is required by 37 CFR 1.28(c)(2)(ii). 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.

If the requirements of 37 CFR 1.28(c)(2) are not complied with (i.e. not itemizing the total deficiency ,etc.), such failure will either: be treated as an authorization for the Office to process the deficiency payment and charge the processing fee set forth in § 1.17(i), or result in a requirement for compliance within a one-month non-extendable time period under § 1.136(a) to avoid the return of the fee deficiency paper, at the option of the Office.

Since petitioner did not provide an itemization of the total deficiency payment of $545.00, the $130.00 processing fee as set forth in 37 CFR 1.17(i) was charged to petitioner's credit card as authorized on January 10, 2011.

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

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MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO IL 60606

MAILED
SEP 16 2010
OFFICE OF PETITIONS

In re Application of	:	
Varadi et al.	:	DECISION ACCORDING STATUS
Application Number: 12/313431	:	UNDER 37 CFR 1.47(a)
Filing Date: 11/20/2008	:	
Attorney Docket Number: 08-764	:	
	:	

This is a decision in response to the renewed petition under 37 CFR 1.47(a), filed on May 25, 2010.

The petition is **GRANTED**.

Petitioners have shown that a copy of the application was sent to the last known address of the non-signing inventor. The non-signing inventor, Ramiro G. Vazquez, failed, however, to sign and return the declaration naming him as a joint inventor along with Tom Varadi, Marie-Ceilie Medine, and Arturo Ramon Puigbo.

As such, the showing of record is that the non-signing inventor has constructively refused to join in the filing of the application.

Receipt of the declaration filed on September 14, 2010 is acknowledged.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the

address listed in the Declaration. Notice of the filing of this application will also be published in the *Official Gazette*.

The petition fee has been received. No further fees are due.

The application is being referred to Technology Center Art Unit 1797 for further processing.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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SEP 16 2010

OFFICE OF PETITIONS

Ramiro G. Vazquez
15 Prospect Place
Bellaire TX 77401

In re Application of
Varadi et al.
Application No. 12/313,431
Filed: November 20, 2008
For: APPARATUS FOR TREATING A WASTE STREAM

Dear Mr. Vazquez:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at 571/272-3231. Requests for information regarding your application should be directed to the File Information Unit at 571-272-3150. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 571-272-3150 or 1-800-972-6382 (outside the Washington D.C. area).

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S. WACKER DR.
32ND FLOOR
CHICAGO IL 60606

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MAR 17 2011

OFFICE OF PETITIONS

TAFT, STETTINIUS & HOLLISTER LLP
SUITE 1800
425 WALNUT STREET
CINCINNATI, OH 45202-3957

In re Application of	:	
BARKELOO, et al	:	
Application No. 12/313,433	:	DECISION ON PETITION
Filed: November 20, 2008	:	TO WITHDRAW
Attorney Docket No. TSP02-GN015	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed January 28, 2011.

The request is **NOT APPROVED.**

The Office will no longer approve requests from practitioners to withdraw from applications where the requesting practitioner is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34. In these situations, the practitioner is responsible for the correspondence the practitioner files in the application while acting in a representative capacity. As such, there is no need for the practitioner to obtain the Office's permission to withdraw from representation. However, practitioners acting in a representative capacity, like practitioners who have a power of attorney in the application, remain responsible for noncompliance with 37 CFR 1.56, as well as 37 CFR 10.18, with respect to documents they file.

A review of the file record indicates that Scott R. Stanley does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

Further, the request to withdraw as attorney or agent cannot be approved because the correspondence address for future communications from the Office cannot be accepted. In this regards, the Office will only accept changes of address from the first named inventor or an assignee who has properly become of record under 37 CFR 3.71.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6735.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

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SCHLUMBERGER TECHNOLOGY CORP.
200 GILLINGHAM LANE MD 200-9
SUGAR LAND TX 77478

MAILED

MAR 02 2011

OFFICE OF PETITIONS

In re Application of	:	
Guy J. RUSHTON	:	
Application No. 12/313,463	:	DECISION ON PETITION
Filed: November 20, 2008	:	
Attorney Docket No. 82421(304203)	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 18, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before November 22, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed August 20, 2010. Accordingly, the date of abandonment of this application is November 23, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,510.00 and the publication fee of $300.00, (2) the petition fee of $1,620.00; and (3) a proper statement of unintentional delay. Accordingly, the issue and publication fees are accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

This application is being referred to the Office of Data Management.

Michelle R. Eason
Paralegal Specialist
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):
12/313.477	
First Named Inventor:	Title of Invention:
Koji Shimizu	OPTICAL GLASS

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 18, 2011
Name (Print/Typed) James V. Costigan	Practitioner Registration Number 25,669

Note: *Signatures of all the inventors, § 1.41(b) applicants, or assignees of record of the entire interest or their representative(s), or reexamination requesters at the appeal stage are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.*

☐ *Total of _____ forms are submitted.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HEDMAN & COSTIGAN, P.C.
1230 AVENUE OF THE AMERICAS
7TH FLOOR
NEW YORK NY 10020

MAILED
APR 20 2011
OFFICE OF PETITIONS

In re Application of	:	
Shimizu et al.	:	
Application No. 12/313,477	:	DECISION ON PETITION
Filed: November 19, 2008	:	
Attorney Docket No. 645-169A	:	

This is a decision on the request filed April 18, 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 December 7, 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 1731 for re-mailing the Office action of December 7, 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Law Office of Scott C Harris Inc
PO Box 1389
Rancho Santa Fe CA 92067

MAILED

AUG 3 1 2010

OFFICE OF PETITIONS

In re Application of	:	
Morteza Gharib, et al.	:	
Application No. 12/313,508	:	DECISION ON PETITION
Filed: November 19, 2008	:	
Attorney Docket No. CIT047	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 8, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed December 12, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 13, 2009. The Notice of Abandonment was mailed January 19, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the $165 filing fee, a properly signed declaration, $65 surcharge, $270 search fee and the $110 examination fee, (2) the petition fee of $810, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to the Office of Patent Application Processing for appropriate action on the reply received.

Terri Johnson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LOUIS J FRANCO
LAW OFFICE OF LOUIS J. FRANCO
250 ARBOR
LUNENBURG MA 01462

MAILED

MAR 14 2011

OFFICE OF PETITIONS

In re Application of :
DAVIS :
Application No. 12/313,529 : DECISION ON PETITION
Filed: November 21, 2008 : TO WITHDRAW
Attorney Docket No. 2007-703.nonprov : 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 10, 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.

The request to withdraw from record cannot be approved because the change of correspondence address is not acceptable. In this regard, the Office will only accept a change of correspondence address to a new representative who has filed a proper power of attorney, an assignee of the entire interest who has been properly made of record under 37 CFR 3.71 or the first named inventor. The change of address appears to be that of an assignee who has not been properly made of record.

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

December 28, 2011

KAGAN BINDER, PLLC
SUITE 200, MAPLE ISLAND BUILDING
221 MAIN STREET NORTH
STILLWATER MN 55082

In re Application of	:	
Kurt Karl Christenson	:	**DECISION ON PETITION**
Application No. 12313543	:	
Filed: 11/21/2008	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. FSI0159/US/2	:	***DRAWINGS***

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) November 21, 2008.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Don Fairchild/
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/313,559	11/21/2008	Yong-Deok Kim	5000-1-1222	9858

33942 7590 12/29/2010

Cha & Reiter, LLC
17 Arcadian Avenue
Suite 208
Paramus, NJ 07652

EXAMINER	
BANKS HAROLD, MARSHA DENISE	
ART UNIT	PAPER NUMBER
2482	
MAIL DATE	DELIVERY MODE
12/29/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

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DEC 28 2010

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

CHA & REITER, LLC
210 Route 4 EAST, Suit 103
PARAMUS, NJ 07652

In Re Application of
KIM, YONG-DEOK, et al.
Application Serial No. 12/313,559
Filed: November 21, 2008
For: **SELECTIVE ERROR CONCEALMENT METHOD AND APPARATUS FOR MOVING PICTURE FRAME**

DECISION ON PETITION TO ACCEPT COLOR PHOTOGRAPHS

This is a decision on the petition under 37 C.F.R. § 1.84(a)(2), filed November 21, 2008, requesting acceptance of color drawings.

The petition requests that the color photographs, noted as figures 1, 2 and 5 be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. § 1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), three (3) sets of the color photos in question, a black and white photocopy of said photos, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

" The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee."

Applicant has not provided an amendment including the statement above to the first paragraph in the portion of the specification relating to the brief description of the drawings.

Accordingly, the petition is **DENIED**.

Petitioner may submit a request for reconsideration within **TWO MONTHS** of the date of this decision. Any request for reconsideration should be complete, i.e., submission of an amendment which adds the notation above as the first paragraph to the brief description of the drawings.

/Mehrdad Dastouri/

Mehrdad Dastouri
Quality Assurance Specialist
Technology Center 2400
(571) 272-7418

UNITED STATES PATENT AND TRADEMARK 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.
12/313,559	11/21/2008	Yong-Deok Kim	5000-1-1222	9858

33942 7590 09/28/2011

Cha & Reiter, LLC
17 Arcadian Avenue
Suite 208
Paramus, NJ 07652

EXAMINER	
RAO, ANAND SHASHIKANT	
ART UNIT	**PAPER NUMBER**
2486	

MAIL DATE	DELIVERY MODE
09/28/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SEP 27 2011

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

CHA & REITER, LLC
210 Route 4 EAST, Suit 103
PARAMUS, NJ 07652

In Re Application of :
KIM, YONG-DEOK, et al. :
Application Serial No. 12/313,559 :
Filed: November 21, 2008 :
For: **SELECTIVE ERROR CONCEALMENT METHOD AND APPARATUS FOR MOVING PICTURE FRAME** :

DECISION ON PETITION TO ACCEPT COLOR PHOTOGRAPHS

This is a decision on the petition under 37 C.F.R. § 1.84(a)(2), filed November 21, 2008, and the preliminary amendment to the specification filed February 22, 2011, requesting acceptance of color drawings.

The petition requests that the color photographs, noted as figures 1, 2 and 5 be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. § 1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), three (3) sets of the color photos in question, a black and white photocopy of said photos, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

" The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee."

Petitioner has filed an amendment on February 22, 2011 including the statement above to the first paragraph in the portion of the specification relating to the brief description of the drawings.

Petitioner has met the requirements set forth above. Accordingly, the petition is **GRANTED**.

/Mehrdad Dastouri/

Mehrdad Dastouri
SPE AU 2486
Technology Center 2400
(571) 272-7418

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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Svendsen Legal, LLC
P.O. Box 10627
Yakima WA 98909

MAILED

FEB 06 2012

OFFICE OF PETITIONS

In re Patent No. 7,987,820
Issued: August 2, 2011
Application No. 12/313,601
Filed: November 21, 2008
Attorney Docket No. EA12.P01

: DECISION ON PETITION
: UNDER 37 CFR 1.78(a)(6)

This is a decision on the petition captioned under 37 CFR 1.182, filed January 17, 2012, which is being treated under 37 CFR 1.78(a)(6), to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority to a prior-filed provisional application.

The petition is **DISMISSED.**

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

(1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Petitioner is attempting to claim late benefit of a provisional application after the application at issue has matured into a patent.

Petitioner is informed that the Office has no record of receiving an Initial Information Data Sheet until the present petition was filed. It is noted that applicant did not dispute the alleged failure of the Office to recognize the priority claim to provisional Application No. 60/004,125 after receiving the filing receipt dated December 12, 2008.

As stated in MPEP 1481.03 Correction of 35 U.S.C. 119 and 35 U.S.C. 120 Benefits: Under no circumstances can a Certificate of Correction be employed to correct an applicant's mistake by

adding or correcting a priority claim under 35 U.S.C. 119(e) for an application filed on or after November 29, 2000.

Section 4503 of the American Inventors Protection Act of 1999 (AIPA) amended 35 U.S.C. 119(e)(1) to state that:

No application shall be entitled to the benefit of an earlier filed provisional application under this subsection unless an amendment containing the specific reference to the earlier filed provisional application is submitted at such time during the pendency of the application as required by the Director. The Director may consider the failure to submit such an amendment within that time period as a waiver of any benefit under this subsection. The Director may establish procedures, including the payment of a surcharge, to accept an unintentionally delayed submission of an amendment under this section ***during the pendency of the application***. (emphasis added)

A Certificate of Correction is NOT a valid mechanism for adding or correcting a priority claim under 35 U.S.C. 119(e) after a patent has been granted on an application filed on or after November 29, 2000.

Further correspondence with respect to this matter should be addressed as follows:

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-8300 ATTN: Office of Petitions
By internet:	EFS-Web www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

Any questions concerning this matter may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FEB 21 2012

OFFICE OF PETITIONS

Paul F. Wille
6407 East Clinton St.
Scottsdale AZ 85254

In re Application of :
Suppappola :
Application No. 12/313,622 : ON PETITION
Filed: November 21, 2008 :
Attorney Docket No. **10205.056** :

This is a decision on the petition under 37 CFR 1.137(a), filed February 1, 2012, to revive the above-identified application.

The petition under 37 CFR 1.137(a) is **DISMISSED**.

This application became abandoned for failure to file a timely response to the non-final Office action mailed July 20, 2011, which set a shortened statutory period for reply of three months from its mailing date. No response was received within the allowable period and the application became abandoned on October 21, 2011. A Notice of Abandonment was mailed January 31, 2012.

A grantable petition under 37 CFR 1.137(a)[1] must be accompanied by: (1) the required reply,[2] unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(1); (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and (4) any terminal disclaimer required by 37 CFR 1.137(c).

The instant petition lacks item (3).

The Commissioner is responsible for determining the standard for unavoidable delay and for applying that standard.

"In the specialized field of patent law, . . . the Commissioner of Patent and Trademarks is

[1] As amended effective December 1, 1997. See Changes to Patent Practice and Procedure; Final Rule Notice 62 Fed. Reg. 53131, 53194-95 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 119-20 (October 21, 1997).

[2] 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.

primarily responsible for the application and enforcement of the various narrow and technical statutory and regulatory provisions. The Commissioner's interpretation of those provisions is entitled to considerable deference."[3]

"[T]he Commissioner's discretion cannot remain wholly uncontrolled, if the facts **clearly** demonstrate that the applicant's delay in prosecuting the application was unavoidable, and that the Commissioner's adverse determination lacked **any** basis in reason or common sense."[4]

"The court's review of a Commissioner's decision is 'limited, however, to a determination of whether the agency finding was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law.'"[5]
"The scope of review under the arbitrary and capricious standard is narrow and a court is not to substitute its judgment for that of the agency."[6]

The standard

"[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."[7]

The general question asked by the Office is: "Did petitioner act as a reasonable and prudent person in relation to his most important business?"[8] Nonawarness of a PTO rule will not constitute unavoidable delay.[9]

---

[3]Rydeen v. Quigg, 748 F.Supp. 900, 904, 16 U.S.P.Q.2d (BNA) 1876 (D.D.C. 1990), aff'd without opinion (Rule 36), 937 F.2d 623 (Fed. Cir.1991) (citing Morganroth v. Quigg, 885 F.2d 843, 848, 12 U.S.P.Q.2d (BNA) 1125 (Fed. Cir. 1989); Ethicon, Inc. v. Quigg 849 F.2d 1422, 7 U.S.P.Q.2d (BNA 1152 (Fed. Cir. 1988) ("an agency' interpretation of a statute it administers is entitled to deference"); see also Chevron U.S.A. Inc. v. Natural Resources Defence Council, Inc., 467 U.S. 837, 844, 81 L. Ed. 694, 104 S. Ct. 2778 (1984) ("if the statute is silent or ambiguous with respect to the specific issue, the question for the court is whether the agency's answer is based on a permissible construction of the statute.")

[4]Commissariat A L'Energie Atomique et al. v. Watson, 274 F.2d 594, 597, 124 U.S.P.Q. (BNA) 126 (D.C. Cir. 1960) (emphasis added).

[5]Haines v. Quigg, 673 F. Supp. 314, 316, 5 U.S.P.Q.2d (BNA) 1130 (N.D. Ind. 1987) (citing Camp v. Pitts, 411 U.S. 138, 93 S. Ct.1241, 1244 (1973) (citing 5 U.S.C. §706 (2)(A)); Beerly v. Dept. of Treasury, 768 F.2d 942, 945 (7th Cir. 1985); Smith v. Mossinghoff, 217 U.S. App. D.C. 27, 671 F.2d 533, 538 (D.C. Cir.1982)).

[6]Ray v. Lehman, 55 F.3d 606, 608, 34 U.S.P.Q2d (BNA) 1786 (Fed. Cir. 1995) (citing Motor Vehicles Mfrs. Ass'n v. State Farm Mut. Auto. Ins. Co., 463 U.S. 29, 43, 77 L.Ed.2d 443, 103 S. Ct. 2856 (1983)).

[7]Id.

[8]See In re Mattulah, 38 App. D.C. 497 (D.C. Cir. 1912).

[9]See Smith v. Mossinghoff, 671 F.2d 533, 538, 213 U.S.P.Q. (BNA) 977 (Fed. Cir. 1982) (citing Potter v. Dann, 201 U.S.P.Q. (BNA) 574 (D.D.C. 1978) for the proposition that counsel's nonawarness of PTO rules does not constitute "unavoidable" delay)). Although court decisions have only addressed the issue of lack of knowledge of an attorney, there is no reason to expect a different result due to lack of knowledge on the part of a pro se (one who prosecutes on his own) applicant. It would be inequitable for a court to determine that a client who spends his hard earned money on an attorney who happens not to know a specific rule should be held to a higher standard than a pro se applicant who makes (or is forced to make) the decision to file the application without the assistance of counsel.

Application of the standard to the current facts and circumstances

In the instant petition, petitioner maintains that the circumstances leading to the abandonment of the application meet the aforementioned unavoidable standard and, therefore, petitioner qualifies for relief under 37 CFR 1.137(a).

With regard to item (3) above, the aforementioned argument of petitioner in support of petitioner's belief that the above-cited application was unavoidably abandoned is not persuasive because it is not accompanied by the showing that is required by 37 CFR 1.137(a). While illness of the attorney of record can be a reason for unavoidable delay in responding to an Office action, petitioner must establish by a proper showing that the illness existed for the entire period of delay. Such a showing could be made by a letter from the treating physician or medical records that explain that the period of the illness and the severity of the same. In this case, petitioner must establish that the illness of the attorney of record persisted from October 21, 2011, until the filing of a grantable petition, and was so severe as to prevent the attorney of record from responding to the non-final Office action. Petitioner is required to file such documentary evidence with the renewed petition being careful to redact any personal identifiers, such as social security numbers and the like.

Alternatively, petitioner may revive the application 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, the required petition fee ($1,860.00 for a large entity and $930.00 for a verified 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.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries regarding this decision should be directed to the undersigned (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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.
12/313,652	11/21/2008	Joseph A. Zupanick	17601-0043009	3436

26231 7590 08/11/2010
FISH & RICHARDSON P.C.
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER	
KRECK, JOHN J	

ART UNIT	PAPER NUMBER
3672	

NOTIFICATION DATE	DELIVERY MODE
08/11/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

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AUG 10 2010

Fish & Richardson P.C.
P.O. Box 1022
Minneapolis, MN 55440-1022

In re Application of Joseph A. Zupanick Application No. 12/313,652 Filed: November 21, 2008 For: METHOD AND SYSTEM FOR ACCESSING SUBTERRANEAN DEPOSITS FROM THE SURFACE AND TOOLS THEREFOR	:	RESPONSE TO PETITION TO EXPUNGE FILED UNDER 37 CFR 1.59(b)

This is a response to the petition under 37 CFR 1.59(b), filed on September 14, 2009, to expunge information from the above identified application.

The decision on the petition will be held in abeyance until allowance of the application or mailing of an *Ex parte Quayle* action or a Notice of Abandonment, at which time the petition will be decided.

Petitioner requests that documents filed with an Information Disclosure Statement filed September 14, 2009, are considered to be trade secret material, proprietary information, and/or subject to a protective order, have not been otherwise made public, and that they be expunged from the record if not found to be material to the patentability of the application. The proprietary document was filed in accordance to MPEP § 724. The petition fee set forth in 37 CFR 1.17(h) has been paid.

The decision on the petition is held in abeyance because prosecution on the merits is not closed. Accordingly, it is not appropriate to make a final determination of whether or not the material requested to be expunged is "material," with "materiality" being defined as any information which the examiner considers as being important to a determination of patentability of the claims. Thus, the decision on the petition to expunge must be held in abeyance at this time.

In the meantime, the document will be closed whereby any non-Patent and Trademark Office personnel will be precluded from viewing or having access to the document, such as via public PAIR.

During prosecution on the merits, the examiner will determine whether or not the identified document is considered to be "material." If the information is not considered by the examiner to be material, the information will be removed from the official file.

Dave Talbott, Director
Patent Technology Center 3600
(571) 272-5150

SM/sm: 7/27/10

SM

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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SUNSTEIN KANN MURPHY & TIMBERS, LLP
125 SUMMER STREET
BOSTON, MA 02110-1618

MAILED

SEP 14 2010

OFFICE OF PETITIONS

In re Application of :
Donald Spector :
Application No. 12/313,706 : DECISION ON PETITION
Filed: November 24, 2008 : TO WITHDRAW FROM
Attorney Docket No. SPECTOR - 11 : RECORD

This is a decision on the request to withdraw as attorney or agent of record under 37 CFR §§ 1.36(b), or 10.40 filed July 28, 2010.

The request is **NOT APPROVED**.

A review of the file record indicates that the power of attorney to George J. Jakobsche and all the attorneys/agents associated with Customer Number 02101 has been revoked by the sole inventor of the above application on August 2, 2010. Accordingly, the request to withdraw under 37 CFR §§ 1.36(b) or 10.40 is moot.

All future communications from the Office will be directed to the new correspondence address of record until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED

NOV 21 2011

OFFICE OF PETITIONS

MICHAEL J. COLITZ, JR.
640 Douglas Avenue
DUNEDIN FL 34698

In re Application of :
Sebek :
Application No. 12/313,746 : DECISION ON PETITION
Filed: November 24, 2008 :
Attorney Dkt No. TJ 05/01 :
For: ILLUMINATION SYSTEM :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 24, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely submit the issue fee, as required by the Notice of Allowance and Fee (s) Due, which was mailed June 23, 2011. The Notice of Allowance and Fee (s) Due and the Notice of Allowability set a three (3) month statutory period for reply. Extensions of time were not available under the provisions of 37 CFR 1.136(a). Accordingly, this application became abandoned on September 24, 2011. A Notice of Abandonment was mailed on October 6, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the $870 issue fee, (2) the petition fee of $930; 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 the Office of Data Management for further processing.

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JAMES J. LEARY
524 DEER POINTE COURT
FENTON MO 63026

MAILED
MAR 28 2011
OFFICE OF PETITIONS

In re Application of :
Belson, et al. :
Application No. 12/313,782 : DECISION
Filed: 21 November, 2008 :
Attorney Docket No. BEL XRAY CIP :

This is a decision on the petition filed on 17 February, 2011, for revival of an application abandoned due to unavoidable delay pursuant to 37 C.F.R. §1.137(a) .

NOTE:

Petitioner's explanation for not having replied timely and properly is that he did not receive the papers the Office mailed to him because he did not timely and properly Notice the Office of a Change of Address when he moved to from Missouri to California, and the U.S. Postal Service returned mail as undeliverable, rather than forwarding the mail to him.

Petitioner, as one registered to practice before the Office, is aware that it is his responsibility to Notice the Office timely and properly of a change of address—and not simply rely upon a third-party to forward mail to him.

Moreover, despite these events as presented by Petitioner:

- as of this writing Petitioner never has submitted to the Office a Notice of Change of Address; and
- the petition papers now reflect a Fenton, Missouri, mailing address, which the Office appreciates as the again-current and proper correspondence address.

Should Petitioner have a different correspondence address, Petitioner **must** Notice the Office.

The petition pursuant to 37 C.F.R. §1.137(a) is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. §1.137(a)."

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

As to Allegation of
Unavoidable Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(a) are the petition and fee therefor, a reply, a proper showing of unavoidable delay under the regulation, and, where applicable, a terminal disclaimer and fee.

Petitioner does not appear to have satisfied—and may be unable to satisfy—the showing requirements (as to unavoidable delay) under the Rule.

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c) as to the showing regarding unavoidable delay and a petition pursuant to 37 C.F.R. §1.137(a).

BACKGROUND

Petitioner failed to reply timely and properly to the Requirement for Restriction mailed on 8 June, 2010, with reply due absent extension of time on or before 8 July, 2010.

The application went abandoned by operation of law after midnight 8 July, 2010.

The Office mailed the Notice of Abandonment on 11 January, 2011.

On 17 February, 2011, Petitioner filed, *inter alia*, a petition with fee and a reply in the form of an election, and averred unavoidable delay pursuant to 37 C.F.R. §1.137(a) because he and his family were in the process of moving from Missouri to California, and the U.S. Postal Service (USPS) failed to forward his mail, which caused the delay that Petitioner averred was unavoidable. However, Petitioner's dependence upon the USPS to forward mail and the failure of the USPS to do so is not a showing of unavoidable delay. As one registered to practice before the Office, Petitioner is aware that it is his responsibility to Notice the Office timely and properly of a change of address—and not simply rely upon a third-party to forward mail to him. Thus, what the record shows is that Petitioner made the mistake of not timely and properly Noticing the Office, which may be unintentional but does not satisfy a showing of unavoidable delay.

Petitioner's showing is not within the constraints of the diligence requirements envisioned in *Pratt.*[1]

It appears that Petitioner's only alternative may be to properly file a petition to the Commissioner requesting revival of an application abandoned due to unintentional delay pursuant to 37 C.F.R. §1.137(b).

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c) as to the showing regarding unavoidable delay and a petition pursuant to 37 C.F.R. §1.137(a).

Thus, it is noted that the guidance in the Commentary at MPEP §711.03(c)(II) for the showing required pursuant to 37 C.F.R. §1.137(a) provides in pertinent part:

***

...Unavoidable Delay

As discussed above, "unavoidable" delay is the epitome of "unintentional" delay. Thus, an intentional delay precludes revival under 37 C.F.R..§137(a) ("unavoidable" delay) or 37 C.F.R. §1.137(b) ("unintentional" delay). See Maldague, *10 USPQ2d at 1478.*

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.

In re Mattullath, *38 App. D.C. 497, 514-15 (1912)(quoting* Pratt, *1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also* Winkler v. Ladd, *221 F. Supp. 550, 552, 138 USPQ 666, 667-68 (D.D.C. 1963),* aff'd, *143 USPQ 172 (D.C. Cir. 1963);* Ex parte Henrich, *1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account."* Smith v. Mossinghoff,

[1] Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887))

671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, *673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).*

A delay resulting from an error (e.g., a docketing error) on the part of an employee in the performance of a clerical function may provide the basis for a showing of "unavoidable" delay, provided it is shown that:

> *(A)the error was the cause of the delay at issue;*
>
> *(B)there was in place a business routine for performing the clerical function that could reasonably be relied upon to avoid errors in its performance; and*
> *(C)the employee was sufficiently trained and experienced with regard to the function and routine for its performance that reliance upon such employee represented the exercise of due care.*

See In re Egbers, *6 USPQ2d 1869, 1872 (Comm'r Pat. 1988),* rev'd on other grounds sub nom., Theodor Groz & Sohne & Ernst Bechert Nadelfabrik KG v. Quigg, *10 USPQ2d 1787 (D.D.C. 1988);* In re Katrapat, *6 USPQ2d 1863, 1867-68 (Comm'r Pat. 1988). For example, where an application becomes abandoned as a consequence of a change of correspondence address (the Office action being mailed to the old, uncorrected address and failing to reach the applicant in sufficient time to permit a timely reply) an adequate showing of "unavoidable" delay will require a showing that due care was taken to adhere to the requirement for prompt notification in each concerned application of the change of address (see MPEP § 601.03), and must include an adequate showing that a timely notification of the change of address was filed in the application concerned, and in a manner reasonably calculated to call attention to the fact that it was a notification of a change of address. The following do not constitute proper notification of a change in correspondence address:*

> *(A)the mere inclusion, in a paper filed in an application for another purpose, of an address differing from the previously provided correspondence address, without mention of the fact that an address change was being made;*
>
> *(B)the notification on a paper listing plural applications as being affected (except as provided for under the Customer Number practice - see MPEP § 403); or*
>
> *(C)the lack of notification, or belated notification, to the U.S. Patent and Trademark Office of the change in correspondence address.*

Delay resulting from the lack of knowledge or improper application of the patent statute, rules of practice or the MPEP, however, does not constitute "unavoidable" delay. See

Haines, *673 F. Supp. at 317, 5 USPQ2d at 1132;* Vincent v. Mossinghoff, *230 USPQ 621, 624 (D.D.C. 1985);* Smith v. Diamond, *209 USPQ 1091 (D.D.C. 1981);* Potter v. Dann, *201 USPQ 574 (D.D.C. 1978);* Ex parte Murray, *1891 Dec. Comm'r Pat. 130, 131 (1891). For example, as 37 C.F.R. 1.116 and 1.135(b) are manifest* that proceedings concerning an amendment after final rejection will not operate to avoid abandonment of the application in the absence of a timely and proper appeal, a delay is not "unavoidable" when the applicant simply permits the maximum extendable statutory period for reply to a final Office action to expire while awaiting a notice of allowance or other action.

Likewise, as a "reasonably prudent person" would file papers or fees in compliance with 37 C.F.R. §1.8 or §1.10 to ensure their timely filing in the USPTO, as well as preserve adequate evidence of such filing, a delay caused by an applicant's failure to file papers or fees in compliance with 37 C.F.R. §1.8 and §1.10 does not constitute "unavoidable" delay. See *Krahn*, 15 USPQ2d at 1825. Finally, a delay caused by an applicant's lack of knowledge or improper application of the patent statute, rules of practice or the MPEP is not rendered "unavoidable" due to: (A) the applicant's reliance upon oral advice from USPTO employees; or (B) the USPTO's failure to advise the applicant of any deficiency in sufficient time to permit the applicant to take corrective action. See *In re Sivertz*, 227 USPQ 255, 256 (Comm'r Pat. 1985).

35 U.S.C. §133 and §151 each require a showing that the "delay" was "unavoidable," which requires not only a showing that the delay which resulted in the abandonment of the application was unavoidable, but also a showing of unavoidable delay until the filing of a petition to revive. See *In re Application of Takao*, 17 USPQ2d 1155 (Comm'r Pat. 1990).

The burden of continuing the process of presenting a grantable petition in a timely manner likewise remains with the applicant until the applicant is informed that the petition is granted. *Id.* at 1158. Thus, an applicant seeking to revive an "unavoidably" abandoned application must cause a petition under 37 C.F.R. §1.137(a) to be filed without delay (i.e., promptly upon becoming notified, or otherwise becoming aware, of the abandonment of the application).

An applicant who fails to file a petition under 37 C.F.R. §1.137(a) "promptly" upon becoming notified, or otherwise becoming aware, of the abandonment of the application will not be able to show that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. §1.137(a) was unavoidable. The removal of the language in 37 C.F.R. §1.137(a) requiring that any petition thereunder be "promptly filed after the applicant is notified of, or otherwise becomes aware of, the abandonment" should **not** be viewed as: (A) permitting an applicant, upon becoming notified, or otherwise becoming aware, of the abandonment of the application, to delay the filing of a petition under 37 C.F.R. §1.137(a); or (B) changing (or modifying) the result in *In re Application of S*, 8 USPQ2d 1630 (Comm'r

> Pat. 1988), in which a petition under 37 C.F.R. §1.137(a) was denied due to the applicant's deliberate deferral in filing a petition under 37 C.F.R. § 1.137. An applicant who deliberately chooses to delay the filing of a petition under 37 C.F.R. §1.137 (as in *Application of S*, 8 USPQ2d at 1632) will not be able to show that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to [37 C.F.R. §1.137(a)] was unavoidable" or even make an appropriate statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to [37 C.F.R. §1.137(b)] was unintentional."
>
> The dismissal or denial of a petition under 37 C.F.R. §1.137(a) does not preclude an applicant from obtaining relief pursuant to 37 C.F.R. 1. §137(b) on the basis of unintentional delay (unless the decision dismissing or denying the petition under 37 C.F.R. 1.137(a) indicates otherwise). In such an instance, a petition under 37 C.F.R. 1.137(b) may be filed accompanied by the fee set forth in 37 C.F.R. §1.17(m), the required reply, a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. §1.137(b) was unintentional, and any terminal disclaimer required by 37 C.F.R. §1.137(c). Form PTO/SB/61 or PTO/SB/61PCT may be used to file a petition for revival of an unavoidably abandoned application.
>
> ***

Petitioner has failed to satisfy the requirements under the Rule and discussed above.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[2]

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).

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[2] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

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.[3]

Again, Petitioner's attentions are directed to the guidance in the Commentary at MPEP §711.03(c).

As to Allegations of Unavoidable Delay

The requirements under 37 C.F.R. §1.137(a) are the petition and fee therefor, a reply, a proper showing of unavoidable delay under the regulation, and, where applicable, a terminal disclaimer and fee.

As of this writing it appears that Petitioner has failed to satisfy the requirements under the Rule.

CONCLUSION

Accordingly, the petition under 37 C.F.R. §1.137(a) is **dismissed**.

ALTERNATIVE VENUE

Should Petitioner wish to revive the application, Petitioner may wish to properly file a petition to the Commissioner requesting revival of an application abandoned due to unintentional delay under 37 C.F.R. §1.137(b). (See:

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[3] 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).

http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c and http://www.uspto.gov/web/forms/sb0064.pdf)

A petition to revive on the grounds of unintentional delay must be filed promptly and such petition must be accompanied by the proper reply, the petition fee, a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional," and a terminal disclaimer and fee where appropriate. (The statement is in the form available online.)

Further correspondence with respect to this matter should be addressed as follows:

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[4]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

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[4] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JAMES J. LEARY
524 DEER POINTE COURT
FENTON MO 63026

MAILED

JUN 15 2011

OFFICE OF PETITIONS

In re Application of :
Belson, et al. :
Application No. 12/313,782 : DECISION
Filed: 21 November, 2008 :
Attorney Docket No. BEL XRAY CIP :

This is a decision on the petition filed on 3 June, 2011, for revival of an application abandoned due to unavoidable delay pursuant to 37 C.F.R. §1.137(a) .

NOTE:

Once again Petitioner's explanation for not having replied timely and properly is that he did not receive the papers the Office mailed to him because he did not timely and properly Notice the Office of a Change of Address when he moved—albeit for the summer—from Missouri to California, and the U.S. Postal Service returned mail as undeliverable, rather than forwarding the mail to him.

Petitioner, as one registered to practice before the Office, is aware that it is his responsibility to Notice the Office timely and properly of a change of address—and not simply rely upon a third-party to forward mail to him.

The Office well understood the facts presented by Petitioner, and the facts do not support a petition pursuant to the regulations at 37 C.F.R. §1.137(a) because they do not evidence the diligence and responsibility envisioned in *Pratt*.[1]

Petition can properly and promptly file a petition pursuant to the regulations at 37 C.F.R §1.137(b), with fee, reply, and statement of unintentional or risk the Office considering Petitioner's continued delay as that other than unintentional.

The petition pursuant to 37 C.F.R. §1.137(a) is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted.

[1] Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887))

The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. §1.137(a)."

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

As to Allegation of
Unavoidable Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(a) are the petition and fee therefor, a reply, a proper showing of unavoidable delay under the regulation, and, where applicable, a terminal disclaimer and fee.

Petitioner does not appear to have satisfied—and may be unable to satisfy—the showing requirements (as to unavoidable delay) under the Rule.

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c) as to the showing regarding unavoidable delay and a petition pursuant to 37 C.F.R. §1.137(a).

BACKGROUND

Petitioner failed to reply timely and properly to the Requirement for Restriction mailed on 8 June, 2010, with reply due absent extension of time on or before 8 July, 2010.

The application went abandoned by operation of law after midnight 8 July, 2010.

The Office mailed the Notice of Abandonment on 11 January, 2011.

On 17 February, 2011, Petitioner filed, *inter alia*, a petition with fee and a reply in the form of an election, and averred unavoidable delay pursuant to 37 C.F.R. §1.137(a) because he and his family were in the process of moving from Missouri to California, and the U.S. Postal Service (USPS) failed to forward his mail, which caused the delay that Petitioner averred was unavoidable. However, Petitioner's dependence upon the USPS to forward mail and the failure of the USPS to do so is not a showing of unavoidable delay. As one registered to practice before the Office, Petitioner is aware that it is his responsibility to Notice the Office timely and properly of a change of address—and not simply rely upon a third-party to forward mail to him. Thus, what the record shows is that Petitioner made the mistake of not timely and properly Noticing the Office, which may be unintentional but does not satisfy a showing of unavoidable delay. The

petition was dismissed on 3 June, 2011, for failing to make the showing required consistent with the diligence requirements envisioned in *Pratt*.[2]

On 3 June, 2011, Petitioner re-advanced his petition and averred unavoidable delay pursuant to 37 C.F.R. §1.137(a) because he and his family were in the process of moving from Missouri to California for summer vacation—which is exactly how the Office understood his original petition—and the U.S. Postal Service failed to forward his mail. AGAIN: The fact that Petitioner elected to depend upon the U.S. Postal Service to forward his mail from the Office is not a showing of diligence and prudence envisioned in *Pratt*.[3] Rather than properly Notice the Office, Petition took his chances with a forwarding service. Petitioner's chance-taking did not work with the mail—and it does not suffice as the showing for a petition pursuant to the regulations at 37 C.F.R. §1.137(a).

Petitioner is reminded that his only alternative may be to properly file a petition to the Commissioner requesting revival of an application abandoned due to unintentional delay pursuant to 37 C.F.R. §1.137(b).

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c) as to the showing regarding unavoidable delay and a petition pursuant to 37 C.F.R. §1.137(a).

Thus, it is noted that the guidance in the Commentary at MPEP §711.03(c)(II) for the showing required pursuant to 37 C.F.R. §1.137(a) provides in pertinent part:

***

...Unavoidable Delay

As discussed above, "unavoidable" delay is the epitome of "unintentional" delay. Thus, an intentional delay precludes revival under 37 C.F.R..§137(a) ("unavoidable" delay) or 37 C.F.R. §1.137(b) ("unintentional" delay). See Maldague, *10 USPQ2d at 1478.*

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other

[2] Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887))
[3] Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887))

> means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.

In re Mattullath, *38 App. D.C. 497, 514-15 (1912)(quoting* Pratt, *1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also* Winkler v. Ladd, *221 F. Supp. 550, 552, 138 USPQ 666, 667-68 (D.D.C. 1963),* aff'd, *143 USPQ 172 (D.C. Cir. 1963);* Ex parte Henrich, *1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account."* Smith v. Mossinghoff, *671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable."* Haines v. Quigg, *673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).*

A delay resulting from an error (e.g., a docketing error) on the part of an employee in the performance of a clerical function may provide the basis for a showing of "unavoidable" delay, provided it is shown that:

> *(A)the error was the cause of the delay at issue;*
>
> *(B)there was in place a business routine for performing the clerical function that could reasonably be relied upon to avoid errors in its performance; and*
> *(C)the employee was sufficiently trained and experienced with regard to the function and routine for its performance that reliance upon such employee represented the exercise of due care.*

See In re Egbers, *6 USPQ2d 1869, 1872 (Comm'r Pat. 1988),* rev'd on other grounds sub nom., Theodor Groz & Sohne & Ernst Bechert Nadelfabrik KG v. Quigg, *10 USPQ2d 1787 (D.D.C. 1988);* In re Katrapat, *6 USPQ2d 1863, 1867-68 (Comm'r Pat. 1988). For example, where an application becomes abandoned as a consequence of a change of correspondence address (the Office action being mailed to the old, uncorrected address and failing to reach the applicant in sufficient time to permit a timely reply) an adequate showing of "unavoidable" delay will require a showing that due care was taken to adhere to the requirement for prompt notification in each concerned application of the change of address (see MPEP § 601.03), and must include an adequate showing that a timely notification of the change of address was filed in the application concerned, and in a manner reasonably calculated to call attention to the fact that it was a notification of a change of address. The following do not constitute proper notification of a change in correspondence address:*

(A)the mere inclusion, in a paper filed in an application for another purpose, of an address differing from the previously provided correspondence address, without mention of the fact that an address change was being made;

(B)the notification on a paper listing plural applications as being affected (except as provided for under the Customer Number practice - see MPEP § 403); or

(C)the lack of notification, or belated notification, to the U.S. Patent and Trademark Office of the change in correspondence address.

Delay resulting from the lack of knowledge or improper application of the patent statute, rules of practice or the MPEP, however, does not constitute "unavoidable" delay. See Haines, *673 F. Supp. at 317, 5 USPQ2d at 1132;* Vincent v. Mossinghoff, *230 USPQ 621, 624 (D.D.C. 1985);* Smith v. Diamond, *209 USPQ 1091 (D.D.C. 1981);* Potter v. Dann, *201 USPQ 574 (D.D.C. 1978);* Ex parte Murray, *1891 Dec. Comm'r Pat. 130, 131 (1891). For example, as 37 C.F.R. 1.116 and 1.135(b) are manifest* that proceedings concerning an amendment after final rejection will not operate to avoid abandonment of the application in the absence of a timely and proper appeal, a delay is not "unavoidable" when the applicant simply permits the maximum extendable statutory period for reply to a final Office action to expire while awaiting a notice of allowance or other action.

Likewise, as a "reasonably prudent person" would file papers or fees in compliance with 37 C.F.R. §1.8 or §1.10 to ensure their timely filing in the USPTO, as well as preserve adequate evidence of such filing, a delay caused by an applicant's failure to file papers or fees in compliance with 37 C.F.R. §1.8 and §1.10 does not constitute "unavoidable" delay. See *Krahn*, 15 USPQ2d at 1825. Finally, a delay caused by an applicant's lack of knowledge or improper application of the patent statute, rules of practice or the MPEP is not rendered "unavoidable" due to: (A) the applicant's reliance upon oral advice from USPTO employees; or (B) the USPTO's failure to advise the applicant of any deficiency in sufficient time to permit the applicant to take corrective action. See *In re Sivertz*, 227 USPQ 255, 256 (Comm'r Pat. 1985).

35 U.S.C. §133 and §151 each require a showing that the "delay" was "unavoidable," which requires not only a showing that the delay which resulted in the abandonment of the application was unavoidable, but also a showing of unavoidable delay until the filing of a petition to revive. See *In re Application of Takao*, 17 USPQ2d 1155 (Comm'r Pat. 1990).

The burden of continuing the process of presenting a grantable petition in a timely manner likewise remains with the applicant until the applicant is informed that the petition is granted. *Id.* at 1158. Thus, an applicant seeking to revive an "unavoidably" abandoned application must cause a petition under 37 C.F.R. §1.137(a) to be filed

without delay (i.e., promptly upon becoming notified, or otherwise becoming aware, of the abandonment of the application).

An applicant who fails to file a petition under 37 C.F.R. §1.137(a) "promptly" upon becoming notified, or otherwise becoming aware, of the abandonment of the application will not be able to show that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. §1.137(a) was unavoidable. The removal of the language in 37 C.F.R. §1.137(a) requiring that any petition thereunder be "promptly filed after the applicant is notified of, or otherwise becomes aware of, the abandonment" should **not** be viewed as: (A) permitting an applicant, upon becoming notified, or otherwise becoming aware, of the abandonment of the application, to delay the filing of a petition under 37 C.F.R. §1.137(a); or (B) changing (or modifying) the result in *In re Application of S*, 8 USPQ2d 1630 (Comm'r Pat. 1988), in which a petition under 37 C.F.R. §1.137(a) was denied due to the applicant's deliberate deferral in filing a petition under 37 C.F.R. § 1.137. An applicant who deliberately chooses to delay the filing of a petition under 37 C.F.R. §1.137 (as in *Application of S*, 8 USPQ2d at 1632) will not be able to show that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to [37 C.F.R. §1.137(a)] was unavoidable" or even make an appropriate statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to [37 C.F.R. §1.137(b)] was unintentional."

The dismissal or denial of a petition under 37 C.F.R. §1.137(a) does not preclude an applicant from obtaining relief pursuant to 37 C.F.R. 1. §137(b) on the basis of unintentional delay (unless the decision dismissing or denying the petition under 37 C.F.R. 1.137(a) indicates otherwise). In such an instance, a petition under 37 C.F.R. 1.137(b) may be filed accompanied by the fee set forth in 37 C.F.R. §1.17(m), the required reply, a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. §1.137(b) was unintentional, and any terminal disclaimer required by 37 C.F.R. §1.137(c). Form PTO/SB/61 or PTO/SB/61PCT may be used to file a petition for revival of an unavoidably abandoned application.

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Petitioner has failed to satisfy the requirements under the Rule and discussed above.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[4]

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.[5]

Again, Petitioner's attentions are directed to the guidance in the Commentary at MPEP §711.03(c).

As to Allegations of Unavoidable Delay

The requirements under 37 C.F.R. §1.137(a) are the petition and fee therefor, a reply, a proper showing of unavoidable delay under the regulation, and, where applicable, a terminal disclaimer and fee.

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[4] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

[5] In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

As of this writing it appears that Petitioner has failed to satisfy the requirements under the Rule.

CONCLUSION

Accordingly, the petition under 37 C.F.R. §1.137(a) is **dismissed**.

ALTERNATIVE VENUE

Should Petitioner wish to revive the application, Petitioner may wish to properly file a petition to the Commissioner requesting revival of an application abandoned due to unintentional delay under 37 C.F.R. §1.137(b). (See: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c and http://www.uspto.gov/web/forms/sb0064.pdf)

A petition to revive on the grounds of unintentional delay must be filed promptly and such petition must be accompanied by the proper reply, the petition fee, a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional," and a terminal disclaimer and fee where appropriate. (The statement is in the form available online.)

Further correspondence with respect to this matter should be addressed as follows:

By Mail:
Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand:
U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By facsimile:
(571) 273-8300
Attn: Office of Petitions

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[6]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

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[6] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JAMES J. LEARY
524 DEER POINTE COURT
FENTON MO 63026

MAILED

AUG 15 2011

OFFICE OF PETITIONS

In re Application of :
Belson, et al. :
Application No. 12/313,782 : DECISION
Filed: 21 November, 2008 :
Attorney Docket No. BEL XRAY CIP :

This is a decision on the petition filed on 14 July, 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 and/or showing of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II).

BACKGROUND

Petitioner failed to reply timely and properly to the Requirement for Restriction mailed on 8 June, 2010, with reply due absent extension of time on or before 8 July, 2010.

The application went abandoned by operation of law after midnight 8 July, 2010.

The Office mailed the Notice of Abandonment on 11 January, 2011.

On 17 February, 2011, Petitioner filed, *inter alia*, a petition with fee and a reply in the form of an election, and averred unavoidable delay pursuant to 37 C.F.R. §1.137(a) because he and his family were in the process of moving from Missouri to California, and the U.S. Postal Service (USPS) failed to forward his mail, which caused the delay that Petitioner averred was unavoidable. However, Petitioner's dependence upon the USPS to forward mail and the failure

of the USPS to do so is not a showing of unavoidable delay. As one registered to practice before the Office, Petitioner is aware that it is his responsibility to Notice the Office timely and properly of a change of address—and not simply rely upon a third-party to forward mail to him. Thus, what the record shows is that Petitioner made the mistake of not timely and properly Noticing the Office, which may be unintentional but does not satisfy a showing of unavoidable delay. The petition was dismissed on 3 June, 2011, for failing to make the showing required consistent with the diligence requirements envisioned in *Pratt*.[1]

On 3 June, 2011, Petitioner re-advanced his petition and averred unavoidable delay pursuant to 37 C.F.R. §1.137(a) because he and his family were in the process of moving from Missouri to California for summer vacation—which is exactly how the Office understood his original petition—and the U.S. Postal Service failed to forward his mail. AGAIN: The fact that Petitioner elected to depend upon the U.S. Postal Service to forward his mail from the Office is not a showing of diligence and prudence envisioned in *Pratt*.[2] Rather than properly Notice the Office, Petition took his chances with a forwarding service. Petitioner's chance-taking did not work with the mail—and it did not suffice as the showing for a petition pursuant to the regulations at 37 C.F.R. §1.137(a). The petition was dismissed on 15 June, 2011.

On 14 July 2011, Petitioner filed, *inter alia*, a petition (with fee) pursuant to 37 C.F.R. §1.137(b) to revive the application as having been abandoned due to unintentional delay, pointed a previously filed reply in the form of an election, and made the statement of unintentional delay.

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c) as to the showing regarding unintentional delay and a petition pursuant to 37 C.F.R. §1.137(b).

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[3]

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[1] Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887))

[2] Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887))

[3] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).[4] The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

Unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and, by definition, are not intentional.[5]))

As to Allegations of
Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

It appears that the requirements under the rule have been satisfied.

CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.137(b) is **granted**.

The instant application is released to the Technology Center/AU 2882 for further processing in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the TC/AU in response to this decision. It is noted that all inquiries with regard to status need be directed to the TC/AU where that change of status must be effected—that does not occur in the Office of Petitions.

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[4] 35 U.S.C. §133 provides:

35 U.S.C. §133 Time for prosecuting application.

Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

[5] Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however , that all practice before the Office is in writing (see: 37 C.F.R. §1.2[6]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

---

[6] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attdance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

INKYUN KIM
225 W. CARMINOREAL AVE.
ARCADIA, CA 91007

MAILED

SEP 2 0 2010

OFFICE OF PETITIONS

In re Application of :
Inkyun Kim :
Application No. 12/313,795 : ON PETITION
Filed: November 25, 2008 :
Attorney Docket No. :

This is a decision on the petition under 37 CFR 1.137(b), filed April 13, 2010, to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice) mailed May 18, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on July 19, 2009.

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 Irvin Dingle at (571) 272-3210.

This matter is being referred to the Office of Patent Application Processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Cha & Reiter, LLC
17 Arcadian Avenue
Suite 208
Paramus NJ 07652

MAILED

FEB 02 2012

OFFICE OF PETITIONS

In re Application of :
Lee et al. :
Application No. 12/313,797 : ON PETITION
Filed: 11/25/2008 :
Attorney Docket Number: 5004-1-124 :

This is in response to the Petition to Accept Color Drawings Under 37 CFR 1.84(a)(2), filed in the United States Patent and Trademark Office (USPTO) on November 25, 2008.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled, "Renewed Petition under 37 CFR 1.84(a)(2)". No further petition fee is required for a renewed petition.

37 CFR 1.84(a)(2) states that the Office will accept color drawings only after granting a petition explaining why color drawings are necessary. The petition must include:

(i) The fee set forth in 1.17(h);

(ii) Three (3) sets of color drawings;[1]

(iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

[1] The requirement for three (3) sets of color drawings is not applicable to color drawings submitted via EFS-Web. Therefore, only one set of color drawings is necessary when filing via EFS-Web. See MPEP 502.05(VIII)(C).

Petitioners assert that color drawings for be accepted for Figures 6A, 6B, and 7, because the color drawings are necessary to illustrate and support patentability of the invention.

The petition is not accompanied by an amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings.

In addition, MPEP 608.02 states that a petition to accept color drawings will only be granted where the Office "has determined that a color drawings or photograph is the only practical medium by which to disclose in a printed utility patent the subject matter to be patented."

The Office has determined, however, that color drawings or photographs are not the only practical medium by which to disclose in a printed utility patent the subject matter to be patented. As color photographs are not necessary for an understanding of the invention, the petition is dismissed.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

By FAX: 571-273-8300
Attn: Office of Petitions

A reply may also be filed via EFS-Web.

The application is being forwarded to Group Art Unit 2885.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

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MAR 20 2012
OFFICE OF PETITIONS

Cha & Reiter, LLC
17 Arcadian Avenue
Suite 208
Paramus NJ 07652

In re Application of :
Lee et al. :
Application No. 12/313,797 : ON PETITION
Filed: 11/25/2008 :
Attorney Docket Number: 5004-1-124 :

This is in response to the renewed Petition to Accept Color Drawings Under 37 CFR 1.84(a)(2), filed in the United States Patent and Trademark Office (USPTO) on February 8, 2012.

The petition is again **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled, "Renewed Petition under 37 CFR 1.84(a)(2)". No further petition fee is required for a renewed petition.

37 CFR 1.84(a)(2) states that the Office will accept color drawings only after granting a petition explaining why color drawings are necessary. The petition must include:

(i) The fee set forth in 1.17(h);

(ii) Three (3) sets of color drawings;[1]

(iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

[1] The requirement for three (3) sets of color drawings is not applicable to color drawings submitted via EFS-Web. Therefore, only one set of color drawings is necessary when filing via EFS-Web. See MPEP 502.05(VIII)(C).

In addition, MPEP 608.02 states that a petition to accept color drawings will only be granted where the Office "has determined that a color drawings or photograph is the only practical medium by which to disclose in a printed utility patent the subject matter to be patented."

The Office has determined, however, that color drawings or photographs are not the only practical medium by which to disclose in a printed utility patent the subject matter to be patented. As color drawings or photographs are not necessary for an understanding of the invention, the petition is dismissed.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

By FAX: 571-273-8300
Attn: Office of Petitions

A reply may also be filed via EFS-Web.

The application is being forwarded to Group Art Unit 2885.

Telephone inquiries regarding this decision should be directed to Senior Petitions Attorney Douglas I. Wood at (571)272-3231.

Jose' G. Dees
Petitions Examiner
Office of Petitions

Doc Code: PET.AUTO **Document Description: Petition automatically granted by EFS-Web**	PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS**
Application Number	12313806
Filing Date	25-Nov-2008
First Named Inventor	Valerie Zhylkov
Art Unit	3742
Examiner Name	QUANG VAN
Attorney Docket Number	AB Disk
Title	Device for transfer of microwave energy into a defined volume

◉ Please withdraw me as attorney or agent for the above identified patent application and all the practitioners of record.

The reason(s) for this request are those described in 37 CFR:

10.40(c)(5)

Certifications

☒ I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment

☒ I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled

☒ I/We have notified the client of any responses that may be due and the time frame within which the client must respond

Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:

Name	ACCELBEAM DEVICES LLC
Address	4 Guyenne Road
City	Wilmington
State	DE
Postal Code	19807
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Marina E Volin/
Name	Marina E Volin
Registration Number	52328

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : June 7,2011

In re Application of :

Valerie Zhylkov

Application No : 12313806

Filed: 25-Nov-2008

Attorney Docket No : AB Disk

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR.§ 1.36(b), filed June 7,2011

The request is **APPROVED**

The request was signed by Marina E Volin (registration no. 52328) on behalf of all the attorneys/agents of record. All attorneys/agents of record have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 with correspondence address:

Name	ACCELBEAM DEVICES LLC
Name2	
Address 1	4 Guyenne Road
Address 2	
City	Wilmington
State	DE
Postal Code	19807
Country	US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Adam L. Stroud
Suite 140
4550 New Linden Hill Road
Wilmington DE 19808

MAILED

OCT 01 2010

OFFICE OF PETITIONS

In re Application of :
Donald M. Baughn et al. :
Application No. 12/313,815 : DECISION ON PETITION
Filed: November 25, 2008 :
Attorney Docket No. **E-GI-00179B** :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed August 03, 2010 to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed December 16, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 17, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a declaration, (2) the petition fee of $1620, and (3) a proper statement of unintentional delay. Accordingly, the reply to the Notice to File Missing Parts of Nonprovisional Application of December 16, 2008 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571) 272-2783.

This application is being referred to the Office Patent Application Processing.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ADAM L. STROUD
TYCO TECHNOLOGY RESOURCES
SUITE 140
4550 NEW LINDEN HILL ROAD
WILMINGTON, DE 19808

MAILED

JUL 05 2011

OFFICE OF PETITIONS

In re Application of :
Donald M. Baughn et al :
Application No. 12/313,815 : ON PETITION
Filed: November 25, 2008 :
Attorney Docket No. E-GI-00179B :

This is a decision on the petition filed June 6, 2011 under 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to submit the Issue fee and Publication Fee in a timely manner in reply to the Notice of Allowance mailed January 18, 2011, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on April 19, 2011.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue fee and Publication Fee; (2) the petition fee; (3) the required statement of unintentional delay have been received. Accordingly, the issue fee is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3210.

This matter is being referred to the Office of Data Management for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/313,858	11/24/2008	Wei-Cheng Lin	GIAN.6237-NY	4899

5409 7590 04/05/2011

SCHMEISER, OLSEN & WATTS
22 CENTURY HILL DRIVE
SUITE 302
LATHAM, NY 12110

EXAMINER	
HENSON, DEVIN	
ART UNIT	**PAPER NUMBER**
3736	

MAIL DATE	DELIVERY MODE
04/05/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Schmeiser, Olsen & Watts
22 Century Hill Drive, Suite 302
Latham, N.Y. 12110
(518) 220-1850

In re Application of: Wei-Cheng Lin
Appl. No.: 12/313858
Filed: 11/24/2008

For: FOOT EXAMINATION AND MEASUREMENT SYSTEM AND METHOD OF THE SAME

DECISION ON PETITION UNDER 37 C.F.R. 1.84(a)(2) TO ACCEPT COLOR DRAWINGS

This is a decision on the petition under 37 C.F.R. 1.84(a)(2), filed November 24, 2008, requesting acceptance of color drawings.

The petition requests that the color drawings, although not specifically identified but noted as, figure 14 be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. 1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. 1.17(h), three (3) sets of the color drawings in question, a black and white photocopy of said drawings, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"the file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was filed with the required fee and 3 (three) sets of color drawings of figure 14. The specification at page 11, lines 3-6 did contain the required notification described above. However, MPEP 608.02 states that it is anticipated that such a petition will be granted only when the U.S. Patent and Trademark Office has determined that a color drawing or color photograph is the only practical medium by which to disclose in a printed utility patent the subject matter to be patented. In the present application this is not the case. Firstly, the outputting of a full-color image of a user's sole is an intermediate step in the claimed method, and the full-color image is later converted into a grayscale image before displaying the changes in a user's foot pressure distribution. Additionally, the black and white photocopy of Figure 14 adequately displays the

changes in a user's foot pressure distribution using only black and white (and gray) colors, so the color drawings are not the only practical medium by which to disclose in a printed utility patent the subject matter to be patented.

Accordingly, the petition is **DENIED**.

/Max Hindenburg/
SPE 3736
Technology Center 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Thomas J. Perkowski , Esq., P. C.
22 Thorndal Circle
Darien CT 06820

MAILED
MAY 20 2011
OFFICE OF PETITIONS

In re Application of :
John E. Kidwell et al. :
Application No. 12/313,908 : DECISION ON PETITION
Filed: November 28, 2008 :
Attorney Docket No. 110-018USANA0 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 27, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement mailed October 28, 2009, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 29, 2009. A Notice of Abandonment was mailed on May 17, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an RCE (Request for Continued Prosecution), with the required fee of $405, (2) the petition fee of $810 and (3) a proper statement of unintentional delay. Accordingly, the RCE is accepted as being unintentionally delayed.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $555 extension of time fee submitted with the petition on April 27, 2011 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 3744 for appropriate action by the Examiner in the normal course of business on the reply received April 27, 2011.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MUNCY GEISSLER OLDS & LOWE
PLLC
4000 LEGATO ROAD
SUITE 310
FAIRFAX VA 22033

MAILED
FEB 02 2012
OFFICE OF PETITIONS

In re Application of	:	DECISION
Huang, et al.	:	ON PETITION
Application No. 12/313,926	:	
Filed: November 26, 2008	:	
Attorney Docket Number: 2519/0664PUS1	:	

This is in response to the petition under 37 CFR 1.84(a)(2), filed November 26, 2008, 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 2821.

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 : 11/21/11

Patent No. : 8037791 B2
Inventor : **Neumeier**
Patent Issued : **October 18, 2011**
Docket No. : **08065**

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322.

Inspection of the file of the application for the patent reveals that in columns 9, 10, 12, lines 8, 30, 67, 27, 61, 28, 30 and 31 is printed in accordance with the record (no fee or authorization to charge fee). **"Therefore, no correction(s) is in order here under United States Codes (U.S.C.) 254 and the Code of Federal Regulation (C.F.R.) 1322."**

In view of the foregoing, your request in this matter is hereby denied.

Lamonte M. Newsome
For Mary Diggs, Supervisor
Decisions & Certificates
Of Correction Branch
(571) 272-3421 or (703) 305-8309

EMCH, SCHAFFER, SCHAUB & PORCELLO CO
P O BOX 916
ONE SEAGATE SUITE 1980
TOLEDO OH 43697

Lmn

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 02/22/12

TO SPE OF : ART UNIT 3724

SUBJECT : Request for Certificate of Correction for Appl. No.: 12313942 Patent No.: 8037791

CofC mailroom date: 12/02/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580 *You can fax the Director's/SPE response to 571-273-3421*

Note: _ Should the changes in the claims be approved?

Lamonte Newsome
Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☑ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

BOYER D. ASHLEY
SUPERVISORY PATENT EXAMINER
SPE

3724
Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 02/22/12

TO SPE OF : ART UNIT 3724

SUBJECT : Request for Certificate of Correction for Appl. No.: 12313942 Patent No.: 8037791

CofC mailroom date: 12/02/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580 You can fax the Director/SPE response to 571-273-3421

Note: _ Should the changes in the claims be approved?

Lamonte Newsome
Certificates of Correction Branch
571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☑ **Approved** — All changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

BOYER D. ASHLEY
SUPERVISORY PATENT EXAMINER
SPE

3724
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

Kimberly A. Chasteen
c/o Kaufman & Canoles
P.O. Box 3037
Norfolk VA 23514-3037

MAILED

DEC 06 2010

OFFICE OF PETITIONS

In re Application of :
CHEOL PARK ET AL. :
Application No. 12/313,945 : DECISION ON PETITION
Filed: November 26, 2008 :
Attorney Docket No. **LAR 17606-1/0134762** :

This is a decision on the petition, filed June 16, 2010, which is being treated as a petition under 37 CFR 1.181 (no fee), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Notice to File Missing Parts (Notice) of September 30, 2009, which set a two (2) month shortened statutory period for reply. Accordingly, a reply was due on or before November 30, 2009, or on or before January 30, 2010, with a two (2) month extension of time. A Notice of Abandonment was mailed June 4, 2010.

Petitioner states that a reply was in fact timely filed on April 29, 2009, with a two (2) month extension of time to the first Notice mailed on January 21, 2009. To support this assertion, petitioner has submitted a copy of the returned postcard which acknowledges receipt by the U.S. Patent and Trademark Office (USPTO) on April 29, 2009 *inter alia* surcharge fee, two (2) month extension of time, and executed declarations. A copy of the previously submitted reply accompanies the petition that has a certificate of mailing dated April 29, 2009.

The reply acknowledged as having been received in the USPTO on April 29, 2009, is not of record in the application file and has not to date been located. Accordingly, it is concluded that the reply to missing parts was timely received in the USPTO but lost after receipt thereof.

In view of the above, the holding of abandonment is hereby withdrawn and the application restored to pending status.

The copy of the reply supplied with the petition will be accepted in place of the reply shown to have been received by the USPTO on April 29, 2009.

Telephone inquires concerning this decision should be directed to JoAnne Burke at 571-272-4584.

This application is being referred to the Office of Patent Application Processing (OPAP) for appropriate action in the normal course of business on the reply received with petition.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

THE JACKSON PATENT GROUP
1500 FOREST AVENUE
SUITE 212
RICHMOND, VA 23229

MAILED

AUG 05 2010

OFFICE OF PETITIONS

In re Application of :
Kenneth C. Harding, et al. :
Application No. 12/313,946 : DECISION ON PETITION
Filed: November 26, 2008 : UNDER 37 CFR 1.137(b)
Attorney Docket No. 1870(THPM) :

This is a decision on the petition, filed July 12, 2010, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on November 20, 2009. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

(1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
(2) the petition fee as set forth in 37 CFR 1.17(m); and
(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which states that the projected publication date is to be determined pending completion of the Security Review.

Telephone inquiries concerning this decision should be directed to April M. Wise at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being forwarded back to the Technology Center Art Unit 1783 for examination in due course.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/313,946	11/26/2008	Kenneth C. Harding	1870(THPM)

CONFIRMATION NO. 9340

30010
The Jackson Patent Group
1500 Forest Avenue, Suite 212
RICHMOND, VA 23229

NONPUBLICATION RESCISSION LETTER

Date Mailed: 08/05/2010

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is to be determined pending completion of Security Review..

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282.

[1] Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

The Jackson Patent Group
1500 Forest Avenue, Suite 212
RICHMOND VA 23229

MAILED

DEC 16 2011

OFFICE OF PETITIONS

In re Application of	:	
Harding et al.	:	
Application No. 12/313946	:	
Filing or 371(c) Date: 11/26/2008	:	ON PETITION
Patent No. 7923094	:	
Issue Date: 04/12/2011	:	
Title of Invention:	:	
LAMINATED BALLISTIC SHEET	:	

This is a notice regarding request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. 1098 Off. Gaz. Pat. Office 502 (January 3, 1989). Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby ACCEPTED.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BARTZ & BARTZ, P.A.
SUITE 119
6950 FRANCE AVENUE SOUTH
EDINA MN 55435

MAILED
NOV 0 8 2010
OFFICE OF PETITIONS

In re Application of :
Jason E. Neumann :
Application No. 12/313,994 : DECISION ON PETITION
Filed: November 28, 2008 :
Attorney Docket No. N13.12.1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 12, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee on or before September 7, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed June 4, 2010. Accordingly, the date of abandonment of this application is September 8, 2010. The Notice of Abandonment was mailed September 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 payment of the issue fee of $755, (2) the petition fee of $810; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to the Office of Data Management for processing into a patent.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : October 7,2011

In re Application of :

Kyomi Morimoto

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12314052

Filed : 03-Dec-2008

Attorney Docket No : 138929

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed October 7,2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 2612 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	12314052
Filing Date	03-Dec-2008
First Named Inventor	Kyomi Morimoto
Art Unit	2612
Examiner Name	SISAY YACOB
Attorney Docket Number	138929
Title	NAVIGATION APPARATUS AND COMPUTER PROGRAM

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	/Joel S. Armstrong/
Name	Joel S. Armstrong
Registration Number	36430

UNITED STATES PATENT AND TRADEMARK 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.
12/314,094	12/03/2008	Hiroyuki Tamai	P72930US0	5530

7590 08/18/2011

JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON, DC 20004

EXAMINER	
ALSOMIRI, ISAM A	
ART UNIT	**PAPER NUMBER**
3665	
MAIL DATE	**DELIVERY MODE**
08/18/2011	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/314,180	12/05/2008	Hiroshi Kawauchi	138690	5530

7590 06/23/2011

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER	
SMITH, GARRETT A	

ART UNIT	PAPER NUMBER
2168	

NOTIFICATION DATE	DELIVERY MODE
06/23/2011	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

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WELSH FLAXMAN & GITLER LLC
2000 DUKE STREET, SUITE 100
ALEXANDRIA VA 22314

MAILED
SEP 06 2011
OFFICE OF PETITIONS

In re Application of :
Heil et al. :
Application Number: **12/314,243** : NOTICE
Filing or 371(c) Date: **12/05/2008** :
Attorney Docket Number: **A-11220** :

This is a notice regarding your request for acceptance of a fee deficiency submission, which is treated under 37 CFR 1.28, filed on August 2, 2011.

The Office no longer investigates or rejects original or reissue patents under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3231.

D Wood

Douglas Wood
Attorney
Office of Petitions

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SHUTTLEWORTH & INGERSOLL, P.L.C.
115 3RD STREET SE, SUITE 500
P.O. BOX 2107
CEDAR RAPIDS IA 52406

MAILED
MAR 20 2012
OFFICE OF PETITIONS

In re Application of :
Arnold Kuehhorn et al. :
Application No. 12/314,272 : ON PETITION
Filed: December 8, 2008 :
Attorney Docket No.: **20560-0550** :

This is a decision on the petition filed January 27, 2012 to withdraw the holding of abandonment for the above-identified application. The petition is being treated under 37 CFR 1.181.

The petition under 37 CFR 1.181 is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181," or, as explained in more detail below, "...under 37 CFR 1.137(a)" or (b). This is not a final agency decision.

No response to the requirements set out in the Supplemental Notice of Allowability mailed October 3, 2011 was timely filed thus, the application became abandoned January 4, 2012. Accordingly, a Notice of Abandonment was mailed January 23, 2012.

Petitioner asserts that while the Supplemental Notice of Allowability mailed October 3, 2011 required the filing of a SUBSTITUTE OATH OR DECLARATION to correct a foreign priority date, "Applicant had already submitted a new, corrected Declaration on September 15, 2011, even before the Supplemental Notice of Allowance was issued in error on October 3, 2011. Therefore, Applicant had fulfilled everything required of it and the Notice of Abandonment was issued in error."

Unfortunately however, the requirement for responding to communications mailed from the USPTO must be in writing as is required by 37 CFR 1.2. Petitioners are advised that in the absence of the Supplemental Notice of Allowability having been withdrawn, then by law a response was required. The failure to file a response causes the application to become abandoned, even if the applicant believed the communication mailed from the USPTO was sent in error.

Applicant is not afforded an opportunity then to withhold a response based on a perceived error on the part of the USPTO. If applicants perceived an error with the Supplemental Notice of Allowability, applicants had an affirmative obligation to file a response that no such response should have been required.

In view thereof, the holding of abandonment will not be withdrawn.

ALTERNATIVE VENUES

Petitioner may wish to consider filing a renewed petition under 37 CFR 1.137(b),[1] which now provides that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b).

The filing of a petition under the unintentional standard cannot be intentionally delayed and therefore should be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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[1]Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

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115 3RD STREET SE, SUITE 500
P.O. BOX 2107
CEDAR RAPIDS IA 52406

MAILED

APR 05 2012

OFFICE OF PETITIONS

In re Application of
Arnold Kuehhorn et al.
Application No. 12/314,272
Filed: December 8, 2008
Attorney Docket No.: **20560-0550**

ON PETITION

This is a decision on the petition filed March 30, 2012 under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

No response to the requirements set out in the Supplemental Notice of Allowability mailed October 3, 2011 was timely filed thus, the application became abandoned January 4, 2012. Accordingly, a Notice of Abandonment was mailed January 23, 2012. A petition "to withdraw the holding of abandonment" was filed January 27, 2012. The petition was dismissed in a decision mailed March 20, 2012 because the showing of record was insufficient to warrant withdrawal of the holding of abandonment. Specifically, petitioner was advised that in the absence of the Supplemental Notice of Allowability having been withdrawn, then by law a response was required. The failure to file a response causes the application to become abandoned, even if the applicant believed the communication mailed from the USPTO was sent in error.

All other requirements of 37 CFR 1.137(b), including the payment of the issue fee, publication fee and petition fee pursuant to 37 CFR 1.17(m), which have been charged to the credit card provided, having now been met, 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

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[1] Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA VA 22182-3817

MAILED

DEC 29 2011

OFFICE OF PETITIONS

In re Application of	:	
Kazuya Suzuki, et al.	:	
Application No. 12/314,365	:	DECISION GRANTING PETITION
Filed: December 9, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. K06-259391/AIO	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, December 27, 2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on November 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 should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 3656 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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Alexandria, VA 22313-1450
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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

MAILED

OCT 17 2011

OFFICE OF PETITIONS

In re Application of :
Sakae Ito et al :
Application No. 12/314,373 : DECISION GRANTING PETITION
Filed: December 9, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 122378.02 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed October 13, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on September 15, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2852 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed 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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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

MAILED
FEB 01 2012
OFFICE OF PETITIONS

In re Application of :
Yukihiko Akaike, et al. :
Application No.: 12/314,493 : ON PETITION
Filed: December 11, 2008 :
Attorney Docket No.: NEC07343US :

This is a decision on the petition, filed January 31, 2012, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is not signed by a registered patent attorney or patent agent of record. However, in accordance with 37 CFR 1.34, the signature of Sam S. Sabota appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on January 20, 2012, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2113 for further processing of the request for continued examination under 37 CFR 1.114.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

UNITED STATES PATENT AND TRADEMARK OFFICE

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STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

MAILED

MAR 02 2012

OFFICE OF PETITIONS

In re Application of :
Masanori Hasuda :
Application No. 12/314524 :
Filing or 371(c) Date: 12/11/2008 :
Attorney Docket Number: :
1988.1006 : ON PETITION

This is a decision on the "Petition Under37 CFR 1.181(A) to Withdraw the Holding of Abandonment" filed December 5, 2011. The petition is properly treated under37 CFR 1.181(a).

This Petition is hereby granted.

The above-identified application became abandoned for failure to timely and properly reply to the final Office action, mailed April 13, 2011. The Office action set a three (3) month period for reply. No response having been received, the application became abandoned on July 14, 2011. A Notice of Abandonment was mailed October 25, 2011.

With the present petition, Applicant has demonstrated non-receipt of the Office Action by a preponderance of the evidence.

In view of the foregoing, the petition is granted. The holding of abandonment is hereby withdrawn.

No petition fee has been charged and none is due.

The application will be referred to Technology Center Art Unit 2862 for re-mailing of the Office action and re-setting the period for reply in the normal course of business.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

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):
12/314,553	
First Named Inventor:	Title of Invention:
Tohru ISHITANI	Gas Field Ionization Ion Source, Scanning Charged Particle...

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 Keith E. George	Date May 12, 2011
Name (Print/Typed) Keith E. George	Practitioner Registration Number 34,111

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.

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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON DC 20005-3096

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MAY 18 2011

OFFICE OF PETITIONS

In re Application of :
Ishitani et al. :
Application No. 12/314,553 : DECISION ON PETITION
Filed: December 12, 2008 :
Attorney Docket No. 058799-0203 :

This is a decision on the request filed May 12, 2011, seeking relief under the provisions of "Relief Available to Patent and Trademark Applicants, Patentees and Trademark Owners Affected by the Catastrophic Events of March 11, 2011 in Japan," 1365 Off. Gaz. Pat. Office 170 (April 19, 2011).

The request for relief is **GRANTED**.

In the above-identified application, an Office action was mailed on January 4, 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 2881 for re-mailing the Office action of January 4, 2011. The period for reply will run from the mailing date of the Office action.

/Joan Olszewski/
Joan Olszewski
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: 8736.296.00	Application Number (if known): 12/314,710	Filing date: December 15, 2008

First Named Inventor: Ji-Hoon Ko

Title: HETERO-JUNCTION SILICON SOLAR CELL 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: Statement in Support of Petition to Make Special Under The Green Technology Pilot Program

Signature /Yong S. Choi/	Date August 4, 2010
Name (Print/Typed) Yong S. Choi	Registration Number 43,324

Note: *Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.*

☑ *Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/420 (05-10)
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Instruction Sheet for
Petition to Make Special Under the Green Technology Pilot Program

(Not to be Submitted to the USPTO)

***The following is a summary of the requirements** (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction" and (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," available on the USPTO web site at http://www.uspto.gov/patents/init_events/green_tech.jsp):*

(1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371. The application must be previously filed before the publication date of the notice cited above. Reexamination proceedings are excluded from this pilot program.

(2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.

(3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.

(4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.

(5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.

(6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/314,710	12/15/2008	Ji Hoon Ko	8736.296.00	9463

30827 7590 08/16/2010

MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON, DC 20006

EXAMINER	
RIDLEY, BASIA ANNA	

ART UNIT	PAPER NUMBER
1795	

MAIL DATE	DELIVERY MODE
08/16/2010	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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MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON DC 20006

AUG 16 2010

In re Application of	:	
Ji Hoon Ko et al.	:	DECISION ON PETITION
Application No. 12/314,710	:	TO MAKE SPECIAL UNDER
Filed: December 15, 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. 8736.296.00	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed August 04, 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

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.
12/314,733	12/16/2008	Ken Oikawa	PRI-0002	7441

23353 7590 02/17/2011

RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON, DC 20036

EXAMINER	
JIANG, CHEN WEN	
ART UNIT	PAPER NUMBER
3784	

MAIL DATE	DELIVERY MODE
02/17/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON DC 20036

In re Application of	:	
OIKAWA, KEN	:	DECISION ON REQUEST TO
Application No. 12/314,733	:	PARTICIPATE IN PATENT
Filed: Dec. 16, 2008	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. PRI-0002	:	PROGRAM AND PETITION
For: COLD TRAP AND COLD TRAP	:	TO MAKE SPECIAL
REGENERATION METHOD	:	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. 16, 2011, to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO/PCT application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO/PCT application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application. This application will be forwarded to an examiner for examination.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. All other inquiries concerning the examination or status of the application should be directed to Frantz Jules, SPE of Art Unit 3784, and 571-272-6681 for Class 60/55 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Petition is **granted**.

/Henry C. Yuen/

_____

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/314,741	12/16/2008	Toru Ihara	P72929US0	5315

7590 08/10/2010
JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON, DC 20004

EXAMINER
BEAULIEU, YONEL

ART UNIT	PAPER NUMBER
3661	

MAIL DATE	DELIVERY MODE
08/10/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nimi Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
[illegible]

Credit Card Refund Total: $342.00

[illegible]

Adjustment date: 08/11/2010 NFARMER
12/17/2008 NDEMESS1 00000031 12314741
03 FC:1111 -340.00 OP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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April 15, 2011

RABIN & Berdo, PC
1101 14TH STREET, NW
SUITE 500
WASHINGTON DC 20005

In re Application of	:	
Dong-Uk Sim et al.	:	**DECISION ON PETITION**
Application No. 12314837	:	
Filed: 12/17/2008	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. FIR 104	:	***DRAWINGS***

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) April 17, 2009.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Don Fairchild/
Office of Data Management
Publications Branch

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/314,867	12/18/2008	Kenji Takashima	01-1815	7426

23400 7590 10/12/2011

POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

EXAMINER	
SUAREZ, ERNESTO A	
ART UNIT	PAPER NUMBER
3653	

NOTIFICATION DATE	DELIVERY MODE
10/12/2011	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):

mailbox@poszlaw.com
lwebbers@poszlaw.com
dposz@poszlaw.com

UNITED STATES PATENT AND TRADEMARK OFFICE

OCT 31 2011

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON VA 20191

In re application of Kenji Takshima Application No. 12/314,867 Filed: December 18, 2008 For: NAVIGATION APPARATUS, METHOD, AND PROGRAM FOR SAME	:	**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 renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed August 16, 2011 to make the above-identified application special.

The request and petition are **DISMISSED as MOOT.**

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO, application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest Office action from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO Office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH pilot is not grantable as per item (4) above in that Examination of the U.S. application has already begun. A Non Final Office action was mailed on September 20, 2011.

No time period for reply to this decision is available since an Office action on the merits has already been mailed.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 10/06/11

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THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
400 INTERSTATE NORTH PARKWAY SE
SUITE 1500
ATLANTA, GA 30339

MAILED

FEB 24 2012

OFFICE OF PETITIONS

In re Application of	:	
I-Yun Leu, et al.	:	
Application No. 12/314,886	:	DECISION GRANTING PETITION
Filed: December 18, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 252016-5150	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed February 23, 2012, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on February 17, 2012 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries 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 2857 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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HARNESS, DICKEY & PIERCE, P.L.C.
P.O.BOX 8910
RESTON, VA 20195

MAILED

NOV 23 2011

OFFICE OF PETITIONS

In re Application of :
Rainer Raupach :
Application No. 12/314,892 : DECISION ON PETITIONS
Filed: December 18, 2008 :
Attorney Docket No. 32860-001524/US :

This is a decision on the petition under 37 CFR § 1.48, filed on September 23, 2011, for correction of the inventorship in the above-identified application.

The petition is **dismissed**.

It is noted that a "CONSENT OF ASSIGNEE UNDER RULE 48(a)(2)" was filed on September 23, 2011. However, as required by 37 CFR 1.48, the required Statement under 37 CFR 3.73(b) has not been received. Therefore, before the present petition can be granted, the required Statement under 37 CFR 3.73(b) must be received.

As authorized, the $130 petition fee has been charged to petitioner's deposit account.

The petition under 37 CFR 1.78(a)(3), filed on September 23, 2011, will be held in abeyance to await a grantable petition under 37 CFR 1.48.

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

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)

The centralized facsimile number is (571) 273-8300.

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

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HARNESS, DICKEY & PIERCE, P.L.C.
P.O.BOX 8910
RESTON, VA 20195

MAILED
MAR 21 2012
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In re Application of :
Rainer Raupach :
Application No. 12/314,892 : DECISION ON PETITIONS
Filed: December 18, 2008 :
Attorney Docket No. 32860-001524/US :

This is a decision on the renewed petition under 37 CFR § 1.48, filed on February 23, 2012, for correction of the inventorship in the above-identified application. This is also a decision on the petition under 37 CFR § 1.78(a)(3) filed September 23, 2011 and February 23, 2012[1].

In the decision mailed November 22, 2011, petitioner was informed that a Statement under 37 CFR 3.73(b) was required. On February 23, 2012, a Statement under 37 CFR 3.73(b) was received; however, the Statement is incomplete. In this regard, the title of signer's Klinger and Hashuber was not provided. Therefore, the petition under 37 CFR 1.48 is again **dismissed**.

The petition under 37 CFR 1.78(a)(3) is **dismissed**, until the petition under 37 CFR 1.48 can be granted.

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

[1] The paper titled "Renewed Petition under 37 CFR 1.137(b)," filed on February 23, 2012, is properly treated as a petition under 37 CFR 1.78(a)(6).

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

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)

The centralized facsimile number is (571) 273-8300.

Telephone inquiries concerning this decision should be directed to Andrea Smith at (571) 272-3226.

/Andrea Smith/
Andrea Smith
Petitions Examiner
Office of Petitions

David Bucci
Petitions Examiner

UNITED STATES PATENT AND TRADEMARK 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.
12/314,952	12/19/2008	Sinn-Wen Chen	CHEN4316/REF/JDG	9930

23364 7590 04/18/2011

BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

EXAMINER	
PATEL, YOGESH P	
ART UNIT	PAPER NUMBER
3776	

MAIL DATE	DELIVERY MODE
04/18/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Bacon & Thomas, PLLC
625 Slaters Lane
Fourth Floor
Alexandria, VA 22314-1176

In re Application of:	Sinn-Wen Chen, Hsin-Jay Wu, Li-Ling Huang, Eric Jein-Wein Liou:	:
Appl. No.:	12/314,952	: DECISION ON PETITION
Filed:	19 December 2008	:
For:	Metallic Dental Devices with Tooth Colors and Their Preparation Methods	:

This is a decision on the petition filed on 16 March 2009 by which petitioners request acceptance of color photographs.

As set forth in 37 C.F.R. 1.84(b)(2) color photographs will be accepted if the conditions for accepting color drawings and black and white photographs has been satisfied. A petition to accept color drawings under 37 CFR 1.84(a)(2) must set forth why the color drawings are necessary and be accompanied by a fee set forth under 37 C.F.R. 1.17(h), three (3) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"the file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

Black and white photographs will be accepted if photographs are the only practical medium for illustrating the claimed invention as set forth in 37 CFR 1.84 (b)(1).

Applicant has not provided an explanation as to why color photographs are necessary as well as why photographs are the only practical medium for illustrating the claimed invention.

Applicant's submission does not meet all the criteria set out above. Accordingly, the petition is **DENIED**.

/Todd E. Manahan/, SPE
Technology Center 3700

Doc Code: PET.PTA.RCAL
Document Description: Request for Recalculation in view of Wyeth

PTO/SB/131 (01-10)
Approved for use through 02/28/2011. OMB 0651-0020
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT IN VIEW OF *WYETH**

Attorney Docket Number: DRAH3013/FJD	Patent Number: 7665369
Filing Date (or 371(b) or (f) Date): 2008-12-19	Issue Date: 2010-02-23
First Named Inventor: Enio Bitto	
Title: MEASURING TRANSDUCER OF VIBRATION-TYPE	

PATENTEE HEREBY REQUESTS RECALCULATION OF THE PATENT TERM ADJUSTMENT (PTA) UNDER 35 USC 154(b) INDICATED ON THE ABOVE-IDENTIFIED PATENT. THE PATENTEE'S SOLE BASIS FOR REQUESTING THE RECALCULATION IS THE USPTO'S PRE-*WYETH* INTERPRETATION OF 35 U.S.C. 154(b)(2)(A).

Note: This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A). See Instruction Sheet on page 2 for more information.

Patentees are reminded that to preserve the right to review in the United States District Court for the District of Columbia of the USPTO's patent term adjustment determination, a patentee must ensure that he or she also takes the steps required under 35 U.S.C. 154(b)(3) and (b)(4) and 37 CFR 1.705 in a timely manner.

**Wyeth v. Kappos*, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Signature /ThomasJMoore/	Date 2010-08-19
Name (Print/Typed) Thomas J. Moore	Registration Number 28974

Note: *Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below**.

☐ *Total of _____ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/131 (01-10)
Approved for use through 02/28/2011. OMB 0651-0020
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Instruction Sheet for:
REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT IN VIEW OF *WYETH**

(Not to be Submitted to the USPTO)

This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A).

This form must be filed within 180 days of the day the patent was granted, with the following exception:

> Patentees who received a decision from the USPTO under the USPTO's pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A) may file a request for reconsideration of that decision if such a request for reconsideration is filed within **two months** of the date of the decision (37 CFR 1.181(f)). If the patentee's sole basis for requesting reconsideration of the decision is the USPTO's pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A), the request for reconsideration need only state that reconsideration is being requested in view of Wyeth (this form may be used for this purpose if it is filed within **two months** of the date of the decision from the USPTO).

Do not use this form if the application has been allowed, but not yet issued as a patent.

1. **For patents issued before March 2, 2010:** A request for reconsideration under 37 CFR 1.705(d) and the fee set forth in 37 CFR 1.18(e) are not required, provided that the patentee's sole basis for requesting recalculation of the PTA in the patent is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A) and this form is filed within 180 days of the day the patent was granted.

2. **For patents issued on or after March 2, 2010 (do not use this form):** Patentees seeking a revised PTA in a patent issued on or after March 2, 2010, must file a request for reconsideration under 37 CFR 1.705(d) that complies with the requirements of 37 CFR 1.705(b)(1) and (b)(2) within two months of the day the patent issued.

For more information, see "Notice Concerning Calculation of the Patent Term Adjustment With Respect to the Overlapping Delay Provision of 35 U.S.C. 154(b)(2)(A)" available on the USPTO Web site at http://www.uspto.gov/patents/law/notices/2010.jsp.

**Wyeth v. Kappos*, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 08/26/2010

Applicant	: Enio Bitto	: DECISION ON REQUEST FOR
Patent Number	: 7665369	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 12/314,972	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/19/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Date : July 12, 2011

Patent No. :7911549
Inventor(s) :Misaki et al.
Issued :March 22, 2011
Title :LIQUID CRYSTAL DISPLAY DEVICE WITH CONTROL CAPACITANCE :SECTION

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule 1.322 and 1.323.

An error on a patent can be corrected by a certificate of correction, if appropriate. Accordingly, a petition under C.F.R. 1.182 is required to correct the alleged error concerning the inventor's names. Since this information is printed solely in accordance with the typewritten information provided on the Declaration, Oath or ADS, and since the error was the result of applicant's failure to comply with the requirement that the complete and correct information be provided accordingly, no correction is in order here under the provisions of Rules 1.322 or 1.323, unless a petition is granted.

However, a petition under 37 CFR 1.182 should be directed to the attention of the Assistant Commissioner for Patents using the following mailing address or FAX number.

By Mail: Commissioner of Patents and Trademarks
Box PETITIONS
Washington, D.C. 20231

By FAX: (703) 308-6916
Attn: Office of Petitions

If the petition under 37 CFR 1.182 is filed and granted the patentee would be entitled to a certificate of correction under 37 CFR 1.323 (required fee currently $100).

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- 7521

Deborah S. Gladstein
NIXON & VANDERHYE P.C.
901 North Glebe Road, 11th Flr.
Arlington, VA 22203

/arg

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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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

MAILED

AUG 22 2011

OFFICE OF PETITIONS

In re Patent No. 7,911,549 :
Issue Date: March 22, 2011 :
Application No. 12/314,974 : ON PETITION
Filed: December 19, 2008 :
Attorney Docket No. DSG-4825-19 :
:

This is in response to the PETITION UNDER 37 CFR 1.182 FOR CERTIFICATE OF CORRECTION UNDER 37 CFR 1.323 filed July 21, 2011, to correct inventor's city of residence from Kanagawa to Tokyo on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

By decision mailed July 12, 2011, a prior REQUEST FOR A CERTIFICATE OF CORRECTION was dismissed. The request included a Request for Certificate of Correction Under 37 CFR 1.323, a draft Certificate of Correction, and the fee set forth in 37 CFR 1.20(a) for issuance of a certificate of correction. The request was dismissed and a granted petition under 37 CFR 1.182 (and petition fee) was required for issuance of the certificate of correction.

On July 21, 2011, petitioner submitted the petition under 1.182 and petition fee to the Office of Petitions for decision. Petitioner provides evidence that the declaration as filed on the second page 2 of the declaration included the address of inventor Nagaoka as initialed and corrected by the inventor. The first page 2 identified the city of the inventor as Kanagawa. (It is noted that a composite declaration, including one page 1 and two page 2s, should not have been submitted. Applicants should have provided the complete copies of each declaration as signed by the inventors).

Receipt of the required $100 certificate of correction fee on June 27, 2011 and the required $400 petition fee on July 21, 2011 is acknowledged.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3219. 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 has been notified of this decision granting the petition under 37 CFR 1.182 and directing issuance of the requested Certificate of Correction.

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
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/315,028	11/26/2008	Min Kyu Park	5004-1-120	5290

7590 07/08/2011

Cha & Reiter, LLC
17 Arcadian Avenue
Suite 208
Paramus, NJ 07652

EXAMINER	
PRABHAKHER, PRITHAM DAVID	
ART UNIT	**PAPER NUMBER**
2622	
MAIL DATE	**DELIVERY MODE**
07/08/2011	PAPER

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

July 7, 2011

Cha & Reiter, LLC
17 Arcadian Avenue
Suite 208
Paramus NJ 07652

Re Application of
PARK, MIN KYU, ET Al
Application: **12/315028**
Filed: **11/26/2008**
Attorney Docket No: **5004-1-120**

: **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 26, 2008.

The petition is **GRANTED**.
A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

   "The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Cha & Reiter, LLC
17 Arcadian Avenue
Suite 208
Paramus NJ 07652

MAILED

SEP 20 2011

OFFICE OF PETITIONS

In re Application of	:	
Min Kyu Park, et al.	:	
Application No. 12/315,028	:	DECISION GRANTING PETITION
Filed: November 26, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 5004-1-120	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, September 16, 2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 18, 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 2622 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date February 1, 2012

In re Application of Stephen Thomson

Application No. 12315029

Filed: 26-Nov-2008

Attorney Docket No. 1102-002usc1

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), February 1, 2012 , to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the outstanding Office communication. The date of abandonment is the day after the last day of the period set for reply in the Office action plus any applicable extensions of time properly requested.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a response; (2) the petition fee as set forth in 37 CFR 1.17 (m); and (3) the required statement of unintentional delay have been received. Accordingly, the response is accepted as having been unintentionally delayed.

The statement of unintentional delay is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay and by a person having firsthand or direct knowledge of the facts and circumstances of the delay at issue. 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 Technology Center.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web	PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**
Application Number	12315029
Filing Date	26-Nov-2008
First Named Inventor	Stephen Thomson
Attorney Docket Number	1102-002usc1
Title	Spatial graphical user interface and method for using the same

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional

Petition Fee

- ○ Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- ○ Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).
- ◉ Applicant(s) status remains as SMALL ENTITY.
- ○ Applicant(s) status remains as other than SMALL ENTITY.

2. Reply and/or fee

- ◉ I certify, in accordance with 37 CFR 1.4(d)(4) that the amendment and response have already been filed in the above-identified application on 02-01-2012
- ○ 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	/Wesley W. Whitmyer, Jr./
Name	Wesley W. Whitmyer, Jr.
Registration Number	33558

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

SOFER & HAROUN LLP.
317 MADISON AVENUE, SUITE 910
NEW YORK NY 10017

MAILED

FEB 27 2012

OFFICE OF PETITIONS

In re Application of :
Thomson et al. :
Application No. 12/315,029 : DECISION DISMISSING PETITIONS
Filed: November 26, 2008 : UNDER 37 CFR 1.78(a)(3) AND (a)(6)
Attorney Docket No. 1102-002usc1 :

This is a decision on the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed February 1, 2012, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 119(e) for the benefit of priority to the prior-filed nonprovisional and provisional applications set forth in the concurrently filed amendment and ADS.

The petition is **DISMISSED**

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000 and after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

The petition does not comply with item (1).

37 CFR 1.78(a)(2)(i) requires that any nonprovisional application claiming the benefit of one or more prior-filed copending nonprovisional applications must contain or be amended to contain a reference to each such prior-filed application.

Petitioners are informed that Application No. 12/315,029, filed November 26, 2008, and Application No. 11/433,631, filed May 12, 2006, were never copending.

Applicants attempted to purchase a three month extension of time of $555.00 on November 26, 2008 in Application No. 11/433,631. However, on December 1, 2008 at 9:40 am, when the Office attempted to charge applicants' deposit account the $555.00 three month extension of time, there were insufficient funds in the deposit account. Therefore, Application No. 11/433,631 became abandoned on August 28, 2008 for failure to timely respond to the May 27, 2008 non-final Office action and there was never copendency between it and Application No. 12/315,029, filed November 26, 2008.

The granting of the delayed benefit claim to Application No. 60/680,201 depends on whether or not the Office grants the delayed benefit claim to Application No. 11/433,631.

The amendment fails to comply with the provisions of 37 CFR 1.78(a)(2)(i) and is therefore unacceptable.

Petitioners should file a petition to revive under 37 CFR 1.137(b) in Application No. 11/433,631 for purposes of gaining continuity between it and the present application.

Also, 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 appearing in the petition varies from the required language, the statement is being construed as the statement required by 37 CFR §§1.78(a)(3) and 1.78(a))(6). If this is not a correct reading of the statement appearing in the petition, petitioners should promptly notify the Office.

Before the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) can be granted, a renewed petition under 37 CFR §§1.78(a)(3) and 1.78(a))(6) and a petition under 37 CFR 1.137(b) to revive Application No. 11/433,631 for purposes of continuity must be filed.

Further correspondence with respect to this matter should be addressed as follows:

By mail:
Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand:
Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

By internet: EFS-Web
www.uspto.gov/ebc/efs_help.html

Any questions concerning this matter may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
P.O. Box 1450
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www.uspto.gov

Sheldon Palmer
c/o Galvin & Palmer
23rd Floor
630 Third Avenue
New York NY 10017

MAILED
FEB 13 2012
OFFICE OF PETITIONS

In re Application of

Leshchiner, et al. :

Application No. 12/315,087

: DECISION ON PETITION

Filed: November 28, 2008

:

Attorney Docket No. 1391-4D

This is a decision on the petition under 37 CFR 1.137(b), filed January 26, 2012, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, January 25, 2011, which set a shortened statutory period for reply of three (3) months from its mailing date. No extension of time pursuant to 37 CFR 1.136(a) was obtained within the allowable period. Accordingly, the application became abandoned on April 26, 2011. A Notice of Abandonment was mailed August 23, 2011.

The amendment filed January 26, 2012, is noted.

The petition fee of $930.00 is being charged to deposit account 14-1449.

The application is being forwarded to Technology Center 1600, GAU 1617 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

MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE
6300 WILLIS TOWER
CHICAGO IL 60606-6357

MAILED
OCT 25 2010
OFFICE OF PETITIONS

In re Application of :
Steinunn Thorlacius et al. :
Application No. 12/315,114 : DECISION ON PETITION
Filed: November 26, 2008 :
Attorney Docket No. 2345.2076-001 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 27, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures, mailed December 30, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on March 1, 2009. A Notice of Abandonment was mailed August 10, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of (CRF) Sequence Listing, Preliminary Amendment and "Statement that the Sequence Listing does not contain new matter", (2) the petition fee of $810, and (3) a proper statement of unintentional delay. Accordingly the reply 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 regarding this decision should be directed to the Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received August 27, 2010. Inquires regarding the status of the application should be directed to 571-272-4000.

/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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MAILED

JAN 25 2011

OFFICE OF PETITIONS

JOSEPH J. CRIMALDI
ROETZEL & ANDRESS
222 S. MAIN STREET
AKRON, OH 44308

In re Application of
Darrell H. Reneker, et al.
Application No. 12/315,153
Filed: November 28, 2008
Attorney Docket No. 089498.548CIP

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 15, 2010, to revive the above-identified application, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Notice of Incomplete Reply (Notice) of February 3, 2009, which continued to run from the date of the Notice to File Missing Parts of Non-provisional Application (Notice), which set a two (2) month shortened statutory period for reply. Accordingly, a reply was due on or before February 16, 2009.

Petitioner states that a timely reply was filed via EFS Web on February 3, 2009, which included the following papers: Electronic Fee Transmittal and the required surcharge of $65 for the late filing of the oath/declaration. Petitioner has submitted a copy of the previously filed correspondence, which bears the electronic acknowledge receipt dated February 6, 2009, which would have rendered the reply timely if received. The original receipt is in the file.

The petition satisfies the above requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment for failure to timely file a reply to the Notice of Incomplete Reply of February 3, 2009 is hereby **withdrawn** and the **application restored to pending status**.

In view of the granting of the petition under 37 CFR 1.8(b) the petition filed under 37 CFR 1.137(a) is being dismissed as moot and the petition fee submitted will be refunded to petitioners deposit account in due course.

Telephone inquiries concerning this decision should be directed to April M. Wise at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Office of Patent Application Processing at their hotline 571-272-4000.

This application is being referred to the Office of Patent Application Processing for pre-examination processing of the reply received February 6, 2009.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

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Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED

SEP 30 2010

OFFICE OF PETITIONS

SMITH HOPEN, PA
180 PINE AVENUE NORTH
OLDSMAR, FL 34677

In re Application of
Bradford Thomas Tatum
Application No. 12/315,175
Filed: November 28, 2008
Attorney Docket No. 2072.07

DECISION ON PETITION
UNDER 37 CFR 1.47(a)

This is in response to the renewed petition under 37 CFR 1.47(a), filed June 30, 2010.

In response to the decision mailed May 10, 2010, petitioner submits the present renewed petition.

The petition is **GRANTED**.

Petitioner has shown that the non-signing inventor cannot be located to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to the Office of Patent Application Processing for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
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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Bradford Tatum
2901 Eagle Estates Circle South
Clearwater, FL 33761

MAILED

SEP 3 0 2010

OFFICE OF PETITIONS

In re Application of
Bradford Thomas Tatum
Application No. 12/315,175
Filed: November 28, 2008
For: PORTABLE SPA WITH VARIABLE SPEED THROTTLING WATER MASSAGE SYSTEM

Dear Mr. Tatum:

You are named as a joint inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3226. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Andrea Smith
Petitions Examiner
Office of Petitions

cc: SMITH HOPEN, PA
180 PINE AVENUE NORTH
OLDSMAR, FL 34677

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Paper No.

Dr. Song, NL Chemical Technology, Inc
Suite 100
479 Business Center Dr.
Mount Prospect IL 60056

MAILED

NOV 03 2011

OFFICE OF PETITIONS

In re Application of	:	
Song et al.	:	
Application No. 12/315,227	:	DECISION ON PETITION
Filed: December 1, 2008	:	PURSUANT TO
Attorney Docket No. 2008-US-02	:	37 C.F.R. § 1.137(B)
Title: FOULING RESISTANT	:	
COATING FOR MEMBRANE SURFACES	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed September 26, 2011, to revive the above-identified application.

This petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the Notice Requiring Excess Claims Fees (notice), mailed March 11, 2011, which set a shortened statutory period for reply of one month. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on April 12, 2011. A notice of abandonment was mailed on August 26, 2011.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information

where there is a question whether the delay was unintentional, and;

(4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner has submitted, *inter alia*, the petition fee, the proper statement of unintentional delay, and $110 for one independent claim over three. The first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.[1]

The Technology Center will be notified of this decision, and jurisdiction over this application is transferred to the Technology Center, so that the application may receive further processing. The Technology Center's support staff will notify the Examiner of this decision, so that an amendment that was received on February 15, 2011 can be processed in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by the Technology Center in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Technology Center where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.[2] All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

Paul Shanoski
Senior Attorney
Office of Petitions

1 See Rule 1.137(d).

2 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

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.
12/315,275	12/02/2008	Takeshi Wakisaka	4041J-001536	5138

27572 7590 08/12/2011

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER	
BRADFORD, JONATHAN	
ART UNIT	PAPER NUMBER
3744	
MAIL DATE	DELIVERY MODE
08/12/2011	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
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AUG 12 2011

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS MI 48303

In re Application of	:	
WAKISAKA, TAKESHI	:	DECISION ON REQUEST TO
Application No. 12/315,275	:	PARTICIPATE IN PATENT
Filed: December 2, 2008	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 4041J-001536	:	PROGRAM AND PETITION
For: REFRIGERATOR CYCLE DEVICE,	:	TO MAKE SPECIAL UNDER
AND AIR CONDITIONER FOR VEHICLE	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed August 9, 2011 to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO/PCT application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO/PCT application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.
In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application. Upon completion of pre-examination processing, this application will be forwarded to an examiner for examination.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4485. All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Petition is **granted**.

/Henry C. Yuen/

_____

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

UNITED STATES PATENT AND TRADEMARK OFFICE

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AT & T LEGAL DEPARTMENT – WS
ATTN: PATENT DOCKETING
ROOM 2A-207
ONE AT & T WAY
BEDMINSTER, NJ 07921

MAILED

SEP 27 2010

OFFICE OF PETITIONS

In re Application of :
Michael Herbert Eiselt, et al. :
Application No. 12/315,350 : DECISION ON PETITION
Filed: December 2, 2008 :
Attorney Docket No. 1999-0793CON3 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 12, 2010, to revive the above-identified application.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts. However, if petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. All future correspondence regarding this application file will be directed solely to the address of record until otherwise instructed.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must so notify the Office.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, June 24, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 25, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $1620, (3) a proper statement of unintentional delay and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d).

In view of the above, the petition is **GRANTED**.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries concerning this decision should be directed to 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 2613 for appropriate action by the Examiner in the normal course of business on the reply received August 12, 2010.

April M. Wise
Petitions Examiner
Office of Petitions

cc: XIAOLEI D. SUN
WOLFF & SAMSON, PC
ONE BOLAND DRIVE
WEST ORANGE, NJ 07052

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Patent No : 8,022,785 B2
Ser. No. : 12/315,379
Inventor(s) : Zelenz, Martin L.
Issued : September 20, 2011

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.17(i) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail:
Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (703) 872-9306
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, , no additional fee is required.

Eva James
For Mary Diggs
Decisions & Certificates
of Correction Branch
(571) 272-3422 or 703- 756 -1580

Lawrence P. Trapani, ESQ.
P.O. Box 555
Manlius, NY 13104-0555

ej

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Alexandria, VA 22313-1450
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Paper No.

LAWRENCE P. TRAPANI, ESQ.
PO BOX 555
MANLIUS NY 13104-0555

MAILED

NOV 16 2011

OFFICE OF PETITIONS

In re Application of :
Zelenz :
Application No. 12/315,379 :
In re Patent No. 8,022,785 : DECISION ON PETITION
Filing Date: December 3, 2008 : PURSUANT TO 37 C.F.R.
Issue Date: September 20, 2011 : § 3.81(B)
Attorney Docket Number: 450- :
091PA :
Title: STEP ATTENUATOR CIRCUIT :
WITH IMPROVED INSERTION LOSS :

This is a decision on the petition pursuant to 37 C.F.R. § 3.81(b), filed October 31, 2011, to correct the Assignee's information on the Issue Fee Transmittal Form PTOL-85(b).

The petition is **GRANTED** to the extent that a Certificate of Correction will be issued, correcting the Assignee information to "Tresness Irrevocable Patent Trust, Syracuse, NY."

With this petition, Petitioner requests that a Certificate of Correction be issued to correct the assignee information that appears on the face of the patent. Petitioner has requested that the name of the Assignee should be changed from "Arcom Digital, LLC, Syracuse, NY" to "Tresness Irrevocable Patent Trust, Syracuse, NY."

37 C.F.R. § 3.81(b), effective June 25, 2004, reads:

> (b) After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in 3.11 before issuance of the patent, and must include a request for a certificate of correction under 1.323 of this chapter (accompanied

by the fee set forth in 1.20(a)) and the processing fee set forth in 1.17(i) of this chapter.

Petitioner has set forth that the assignment was submitted for recordation as set forth in 37 C.F.R. § 3.11 before issuance of the patent, and Office records confirm that an assignment was received in the Office on December 31, 2008, listing Tresness Irrevocable Patent Trust of Syracuse, New York as the Assignee.

Payment of the required $100 certificate of correction fee and the $130 processing fee is acknowledged.

The Certificates of Correction Branch will be notified of this decision so that the requested Certificate of Correction can be issued, correcting the Assignee information to "Tresness Irrevocable Patent Trust, Syracuse, NY."

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225. Any questions concerning the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (703) 756-1814.

Paul Shanoski
Senior Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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PAUL M. DENK
SUITE 170
763 SOUTH NEW BALLAS ROAD
ST. LOUIS MO 63141

MAILED

JUL 21 2011

OFFICE OF PETITIONS

In re Application of	:	
Scott McKye	:	
Application No. 12/315,448	:	DECISION ON PETITION
Filed: December 3, 2008	:	
Attorney Docket No. 7842	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 5, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before May 17, 2011, as required by the Notice of Allowance and Fee(s) Due mailed February 17, 2011. Accordingly, the date of abandonment of this application is May 18, 2011. A Notice of Abandonment was mailed June 24, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $755.00 and the publication fee of $300.00,(2) the petition fee of $810.00; and (3) a proper statement of unintentional delay.

Additionally, 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.

Further, it is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute this patent application. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to the Office of Data Management for processing into a patent.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/315,504	12/02/2008	Roderick A. Hyde	1207-004-001-000000	7247

44765 7590 08/17/2011

THE INVENTION SCIENCE FUND
CLARENCE T. TEGREENE
11235 SE 6TH STREET
SUITE 200
BELLEVUE, WA 98004

EXAMINER	
THOMAS, TIMOTHY P	
ART UNIT	PAPER NUMBER
1628	
MAIL DATE	DELIVERY MODE
08/17/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

AUG 1 7 2011

Commissioner for Patents
United States Patent and Trademark Office
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Melanie K. Kitzan Haindfield
THE INVENTION SCIENCE FUND
CLARENCE T. TEGREENE
11235 SE 6TH STREET
SUITE 200
BELLEVUE WA 98004

In re Application of	:
Hyde et al	:Decision on Petition
Serial No.:12/315,504	:
Filed: 2 December 2008	:
Attorney Docket No.:1207-004-001-00000	:

This letter is in response to the Petition filed on 22 February 2011 under 37 C.F.R. 1.144 to request reconsideration of the restriction requirement mailed 19 August 2010.

BACKGROUND AND DISCUSSION

The application, file history and petition have been considered carefully. The petition states on page 2, that they have "not yet received the first substantive Office action in this case." A review of PALM and eDAN document dates indicates that the petition and the first Office action have crossed in the mail. As such, the petition under 37 CFR 1.144 is premature because it was prepared before the examiner has considered the traversal and made the requirement final. See the first sentence of 37 CFR 1.144 which states:

> After a final requirement for restriction, the applicant, in addition to making any reply due on the remainder of the action, may petition the Director to review the requirement.

Accordingly, the petition under 37 CFR 1.144 is **DISMISSED**.

The application will be forwarded to the Examiner for consideration of the papers filed on 22 July 2011 and for preparation of an Office action consistent with this decision.

Should the examiner repeat the requirement, applicants may file a petition under 37 CFR 1.181 within two months of the repeated action for reconsideration of the requirement. Alternatively, should the examiner make the restriction requirement final, applicants may defer filing a petition under 37 CFR 1.144 until after final action on or allowance of claims to the invention elected, but to be timely it must be filed no later than the filing of the notice of appeal.

Should there be any questions regarding this decision, please contact a Quality Assurance Specialist, by mail addressed to Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at (571) 272-1600 or by Official Fax at 571-273-8300.

Remy Yucel
Director, Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/315,507	12/02/2008	Roderick A. Hyde	1207-004-007-000000	5713

44765 7590 06/21/2011
THE INVENTION SCIENCE FUND
CLARENCE T. TEGREENE
11235 SE 6TH STREET
SUITE 200
BELLEVUE, WA 98004

EXAMINER	
ARIANI, KADE	

ART UNIT	PAPER NUMBER
1651	

MAIL DATE	DELIVERY MODE
06/21/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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JUN 21 2011

Melanie K. Kitzan Haindfield
THE INVENTION SCIENCE FUND
CLARENCE T. TEGREENE
11235 SE 6TH STREET
SUITE 200
BELLEVUE WA 98004

In re Application of	:
Hyde et al	:Decision on Petition
Serial No.:12/315,507	:
Filed: 31 October 2008	:
Attorney Docket No.:0508-004-001A-000000	:

This letter is in response to the Petition filed on 19 April 2011 under 37 C.F.R. 1.144 to request reconsideration of the restriction requirement mailed 15 March 2011.

BACKGROUND AND DISCUSSION

The application, file history and petition have been considered carefully. Applicants request reconsideration of the restriction requirement two weeks after their initial election and prior to any Office action on the merits which addresses the traversal.

The petition under 37 CFR 1.144 is premature because it was filed before the examiner has considered the traversal and made the requirement final. See the first sentence of 37 CFR 1.144 which states:

> After a final requirement for restriction, the applicant, in addition to making any reply due on the remainder of the action, may petition the Director to review the requirement.

DECISION

Accordingly, the petition under 37 CFR 1.144 is **DISMISSED**.

The application will be forwarded to the Examiner for preparation of an Office action consistent with this decision.

Should the examiner repeat the requirement, applicants may file a petition under 37 CFR 1.181 within two months of the repeated action for reconsideration of the requirement. Alternatively, should the examiner make the restriction requirement final, applicants may defer filing a petition under 37 CFR 1.144 until after final action on or allowance of claims to the invention elected, but to be timely it must be filed not later than the filing of the notice of appeal.

Should there be any questions regarding this decision, please contact Quality Assurance Specialist Julie Burke, by mail addressed to Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at (571) 272-0512 or by Official Fax at 571-273-8300.

Jacqueline Stone
Director, Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/315,507	12/02/2008	Roderick A. Hyde	1207-004-007-000000	5713

44765 7590 06/22/2011

THE INVENTION SCIENCE FUND
CLARENCE T. TEGREENE
11235 SE 6TH STREET
SUITE 200
BELLEVUE, WA 98004

EXAMINER	
ARIANI, KADE	

ART UNIT	PAPER NUMBER
1651	

MAIL DATE	DELIVERY MODE
06/22/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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JUN 22 2011

Melanie K. Kitzan Haindfield
THE INVENTION SCIENCE FUND
CLARENCE T. TEGREENE
11235 SE 6TH STREET
SUITE 200
BELLEVUE WA 98004

In re Application of	:
Hyde et al	:Decision on Petition
Serial No.:12/315,507	:
Filed: 31 October 2008	:
Attorney Docket No.:0508-004-001A-000000	:

This letter is in response to the Petition filed on 19 April 2011 under 37 C.F.R. 1.144 to request reconsideration of the restriction requirement mailed 15 March 2011.

BACKGROUND AND DISCUSSION

The application, file history and petition have been considered carefully. Applicants request reconsideration of the restriction requirement two weeks after their initial election and prior to any Office action on the merits which addresses the traversal.

The petition under 37 CFR 1.144 is premature because it was filed before the examiner has considered the traversal and made the requirement final. See the first sentence of 37 CFR 1.144 which states:

> After a final requirement for restriction, the applicant, in addition to making any reply due on the remainder of the action, may petition the Director to review the requirement.

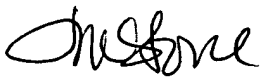
DECISION

Accordingly, the petition under 37 CFR 1.144 is **DISMISSED**.

The application will be forwarded to the Examiner for preparation of an Office action consistent with this decision.

Should the examiner repeat the requirement, applicants may file a petition under 37 CFR 1.181 within two months of the repeated action for reconsideration of the requirement. Alternatively, should the examiner make the restriction requirement final, applicants may defer filing a petition under 37 CFR 1.144 until after final action on or allowance of claims to the invention elected, but to be timely it must be filed not later than the filing of the notice of appeal.

Should there be any questions regarding this decision, please contact Quality Assurance Specialist Julie Burke, by mail addressed to Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at (571) 272-0512 or by Official Fax at 571-273-8300.



Jacqueline Stone
Director, Technology Center 1600

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/315,513	12/02/2008	Roderick A. Hyde	1207-004-003-000000	5607

44765 7590 09/21/2011
THE INVENTION SCIENCE FUND
CLARENCE T. TEGREENE
11235 SE 6TH STREET
SUITE 200
BELLEVUE, WA 98004

EXAMINER	
WHALEY, PABLO S	

ART UNIT	PAPER NUMBER
1631	

MAIL DATE	DELIVERY MODE
09/21/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

SEP 2 1 2011

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Melanie K. Kitzan Haindfield
THE INVENTION SCIENCE FUND
CLARENCE T. TEGREENE
11235 SE 6TH STREET
SUITE 200
BELLEVUE WA 98004

In re Application of	:
Hyde et al	:Decision on Petition
Serial No.:12/315,513	:
Filed: 2 December 2008	:
Attorney Docket No.:1207-004-003-00000	:

This letter is in response to the Petition filed on 30 August 2011 under 37 C.F.R. 1.181 to request reconsideration of the restriction requirement mailed 30 June 2010.

BACKGROUND AND DISCUSSION

The application, file history and petition have been considered carefully.

The petition has been filed after the election and before any examination on the merits.

As such, the petition is considered premature under 37 CFR 1.144 because it was prepared before the examiner has considered the traversal and made the requirement final. See the first sentence of 37 CFR 1.144 which states:

> After a final requirement for restriction, the applicant, in addition to making any reply due on the remainder of the action, may petition the Director to review the requirement.

Similarly, the petition is considered premature under 37 CFR 1.181(c) because it was filed before the examiner had an opportunity to review the request for reconsideration and either repeat or make final the action.

Accordingly, the petition is **DISMISSED**.

The application will be forwarded to the Examiner for consideration of the papers filed on 30 June 2011 and for preparation of an Office action consistent with this decision.

Should the examiner repeat the requirement, applicants may file a petition under 37 CFR 1.181 within two months of the repeated action for reconsideration of the requirement. Alternatively, should the examiner make the restriction requirement final, applicants may defer filing a petition under 37 CFR 1.144 until after final action on or allowance of claims to the invention elected, but to be timely it must be filed no later than the filing of the notice of appeal.

37 CFR 1.181(f) states: The mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings. Any petition under this part not filed within two months of the mailing date of the action or notice from which relief is requested may be dismissed as untimely, except as otherwise provided. This two-month period is not extendable.

Should there be any questions regarding this decision, please contact Quality Assurance Specialist Julie Burke, by mail addressed to Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at (571) 272-1600 or by Official Fax at 571-273-8300.

Jacqueline Stone
Director, Technology Center 1600

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	12315518
Filing Date	04-Dec-2008
First Named Inventor	David Schreck
Art Unit	1657
Examiner Name	ROSANNE KOSSON
Attorney Docket Number	GEIN-114
Title	Integrated glyceride extraction and biodiesel production processes

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 42419

The reason(s) for this request are those described in 37 CFR:

10.40(c)(1)(iv)

10.40(c)(1)(vi)

Certifications

☒ I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment

☒ I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled

☒ I/We have notified the client of any responses that may be due and the time frame within which the client must respond

Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:

Name	David James Schreck
Address	504 South Lakeshore Drive
City	Lake City
State	MN
Postal Code	55041

Country	US
I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Nick C. Kottis/
Name	Nick C. Kottis
Registration Number	31974

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : February 7, 2012

In re Application of :

David Schreck

Application No : 12315518

Filed : 04-Dec-2008

Attorney Docket No : GEIN-114

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 7, 2012

The request is **APPROVED.**

The request was signed by Nick C. Kottis (registration no. 31974) on behalf of all attorneys/agents associated with Customer Number 42419 . All attorneys/agents associated with Cusotmer Number 42419 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	David James Schreck
Name2	
Address 1	504 South Lakeshore Drive
Address 2	
City	Lake City
State	MN
Postal Code	55041
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/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	12315560
Filing Date	04-Dec-2008
First Named Inventor	Everardo Dos Santos Faris
Art Unit	2612
Examiner Name	JOHN TWEEL JR
Attorney Docket Number	TEIPPA108
Title	TRANSCEIVER DEVICE FOR CELL PHONES FOR TRACKING OF OBJECTS

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	/Robert M. Downey/
Name	Robert M. Downey
Registration Number	33684

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 : December 5, 2011

In re Application of :

Everardo Dos Santos Faris

Application No : 12315560

Filed : 04-Dec-2008

Attorney Docket No : TEIPPA108

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed December 5, 2011 , to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Issue Fee(s) Due. The date of abandonment is the day after the expiration date of the period set for reply in the Notice.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue Fee and the Publication Fee (if necessary); (2) the petition fee as set forth in 37 CFR 1.17 (m); (3) the drawing correction and/or other deficiencies (if necessary); and (4) the required statement of unintentional delay have been received. Accordingly, the Issue Fee payment is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Office of Data Management.

Office of Petitions