PTO/SB/20PCT-EP (05-10)
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U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	12/369,822	Filing date:	02-12-2009
First Named Inventor:	William Daniel Willey		
Title of the Invention:	System and Method for Generating a Blacklist for Femtocells		

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/US2008/084218

The international date of the corresponding PCT application(s) is/are: November 20, 2008

I. List of Required Documents:

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

☑ Is attached

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

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

☑ Is attached.

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

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

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

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

(continued)

Application No.:	12/369,822
First Named Inventor:	William Daniel Willey

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 07-06-2009

(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 07-06-2009

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Added indentation; otherwise identical
2-12	2-12	Removed mult. depend.; otherwise identical
15-16	13-14	Removed mult. depend.; otherwise identical
17	15	replaced ref. to claim 1 with recited features of claim 1
18	16	rearranged features and added indentation; otherwise identical
19-22	17-20	identical
24		New dependent claim (dependent on claim 1)

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

Signature /John F. Guerra - Reg. 64294/	Date 9/23/2010
Name (Print/Typed) John F. Guerra, Jr.	Registration Number 64294

Privacy Act Statement

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

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

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

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference M51589/EP	**FOR FURTHER ACTION** See Form PCT/IPEA/416	
International application No. PCT/US2008/084218	International filing date *(day/month/year)* 20.11.2008	Priority date *(day/month/year)* 15.02.2008
International Patent Classification (IPC) or national classification and IPC INV. H04W48/00		
Applicant Research In Motion Limited		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
   a. ☒ *sent to the applicant and to the International Bureau)* a total of 5 sheets, as follows:
      ☒ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
      ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
   b. ☐ *(sent to the International Bureau only)* a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see paragraph 3*bis* of Annex C of the Administrative Instructions).

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

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

Date of submission of the demand	Date of completion of this report
2009-12-10	17.06.2010
Name and mailing address of the international preliminary examining authority: European Patent Office P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Fax: +31 70 340 - 3016	Authorized officer Dionisi, M Telephone No. +31 70 340-1021

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/US2008/084218

Box No. I Basis of the report

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

   ☒ the international application in the language in which it was filed

   ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of:

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

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

Description, Pages

1-22 as originally filed

Claims, Numbers

1-21 filed with telefax on 14-12-2009

Drawings, Sheets

1/5-5/5 as originally filed

☐ a sequence listing - see Supplemental Box Relating to Sequence Listing.

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

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

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

   ☐ the description, pages
   ☐ the claims, Nos.
   ☐ the drawings, sheets/figs
   ☐ the sequence listing *(specify)*:

5. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 70.2 (e)).

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

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

1. Statement

Novelty (N)	Yes:	Claims	1-20
	No:	Claims	21
Inventive step (IS)	Yes:	Claims	1-20
	No:	Claims	21
Industrial applicability (IA)	Yes:	Claims	1-21
	No:	Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following documents:

D1 US 2006/104211 A1 (ISLAM KHALEDUL M [CA] ET AL) 18 May 2006 (2006-05-18)

D2 WO 2007/148911 A (LG ELECTRONICS INC [KR]; FISCHER PATRICK [FR]) 27 December 2007 (2007-12-27)

D3 US 6 621 795 B1 (REDI JASON KEITH [US] ET AL) 16 September 2003 (2003-09-16)

D1 is regarded as being the prior art closest to the subject-matter of claim 1 and discloses a method for execution by a mobile device, the method comprising: generating and maintaining a femtocell blacklist comprising an identification of at least one femtocell to be avoided by the mobile device; wherein generating and maintaining the femtocell blacklist comprises for each femtocell identified in the femtocell blacklist, removing the identification of the femtocell at some later time.

The subject-matter of claim 1 therefore differs from this known D1 in removing the identification by: determining how long to keep the identification of the femtocell in the femtocell blacklist based on how frequently the mobile device is within vicinity of the femtocell; and removing the identification of the femtocell from the femtocell blacklist according to how long the mobile device determines to keep the identification of the femtocell in the femtocell blacklist.

This technical featureof using two timers solves the problem how to optimise the trade-off between memory use in the mobile and mobile battery life, see also description page 11, line 28 - page 12, line 8.

None of the documentscited in the search report discloses or suggests to use this particularsolution to solve the above mentioned problem.

Therefore claim 1satisfies the condition of novelty (Article 33(2) PCT) and inventive step(Article 33(3) PCT).

Independent claim 16 corresponds to claim 1 and as such also meets the requirements of the PCT with respect to novelty and inventive step.

Claims 2-15 and 17-20 are respectively dependent on claim 1 and 16 and as such also meet the requirements of the PCT with respect to novelty and inventive step.

It is clear from the description that features of "removing the identification by: determining how long to keep the identification of the femtocell in the femtocell blacklist based on how frequently the mobile device is within vicinity of the femtocell; and removing the identification of the femtocell from the femtocell blacklist according to how long the mobile device determines to keep the identification of the femtocell in the femtocell blacklist" is essential to the definition of the invention. Since **independent claim 21** does not contain this feature it does not meet the requirement following from Article 6 PCT taken in combination with Rule 6.3(b) PCT that any independent claim must contain all the technical features essential to the definition of the invention.

Furthermore, regarding claim 21, the initial phase of the search revealed a very large number of documents relevant to the issue of novelty. So many documents were retrieved that it is impossible to determine which parts of the claim 21 may be said to define subject-matter for which protection might legitimately be sought (Article 6 PCT).

CLAIMS

1. A method for execution by a mobile device, the method comprising:

generating and maintaining a femtocell blacklist comprising an identification of at least one femtocell to be avoided by the mobile device;

wherein generating and maintaining the femtocell blacklist comprises:

for each femtocell identified in the femtocell blacklist, removing the identification of the femtocell at some later time by:

determining how long to keep the identification of the femtocell in the femtocell blacklist based on how frequently the mobile device is within vicinity of the femtocell; and

removing the identification of the femtocell from the femtocell blacklist according to how long the mobile device determines to keep the identification of the femtocell in the femtocell blacklist.

2. The method of claim 1 further comprising:

upon detecting a femtocell:

determining whether the femtocell is identified in the femtocell blacklist; and

if the femtocell is identified in the femtocell blacklist, avoiding any attempt to use the femtocell.

3. The method of claim 1 or claim 2 wherein generating the femtocell blacklist comprises:

generating the femtocell blacklist by a radio layer of the mobile device.

4. The method of claim 3 wherein the radio layer comprises an upper layer signalling block, the upper layer signalling block detecting rejections from femtocells for generating the femtocell blacklist.

5. The method of claim 4 wherein generating and maintaining the femtocell blacklist comprises:

for each femtocell the mobile device attempts to use, adding an identification of the femtocell to the femtocell blacklist if the upper layer signalling block detects rejection from the femtocell, the identification of the femtocell being based on information about the femtocell collected by the radio layer.

6. The method of claim 5 wherein the identification of the femtocell comprises:

(a) for 1X systems, a System Identifier 'SID' and a Network Identifier 'NID'; or

(b) for 1X EV-DO systems, a sector address identifier 'SectorID'.

7. The method of claim 5 or claim 6 wherein generating the femtocell blacklist further comprises:

for each femtocell the mobile device attempts to use, qualifying whether to add the identification of the femtocell to the femtocell blacklist based the information about the femtocell collected by the radio layer, where the information comprises at least one of the following: a location measurement, both latitude and longitude of the femtocell, umbrella cell information, PN offset of the femtocell, frequency of the femtocell, both frequency and bandclass of the femtocell, registration zone number of the femtocell, packet data services zone identifier of the femtocell, femtocell base station identification, subnet mask of the femtocell, and color code of the femtocell.

8. The method of any one of claims 4 to 7, wherein each rejection is detected on a broadcast channel.

9. The method of any one of claims 1 to 8 wherein the femtocell blacklist comprises a separate femtocell blacklist for each of a plurality of femtocell technologies.

10. The method of claim 9 wherein the femtocell blacklist comprises a first femtocell blacklist for 1X Systems and a second femtocell blacklist for 1X-EVDO systems.

11. The method of any one of claims 1 to 10 further comprising:

generating and maintaining another blacklist comprising an identification of at least one base station to be avoided by the mobile device.

12. The method of any one of claims 1 to 11 wherein the femtocell blacklist further comprises:

an identification of at least one non-femtocell base station to be avoided by the mobile device.

13. The method of any one of claims 1 to 12 further comprising:

detecting occurrence of an event triggering the femtocell blacklist to be overridden; and

upon occurrence of the event, temporarily overriding the femtocell blacklist.

14. The method of claim 13 wherein the event triggering the femtocell blacklist to be overridden comprises receiving a message from the macro network prompting the femtocell blacklist to be overridden.

15. A computer readable medium having computer executable instructions stored thereon for execution on a processor so as to implement the method of any one of claims 1 to 14.

16. A mobile device comprising:

a wireless access radio configured to wirelessly communicate with femtocells;

a blacklist generator configured to generate and maintain a femtocell blacklist comprising an identification of at least one femtocell to be avoided by the mobile device; and

a memory configured to store the femtocell blacklist;

wherein the blacklist generator is configured to generate and maintain the femtocell blacklist by:

for each femtocell identified in the femtocell blacklist, removing the identification of the femtocell at some later time by:

determining how long to keep the identification of the femtocell in the femtocell blacklist based on how frequently the mobile device is within vicinity of the femtocell; and

removing the identification of the femtocell from the femtocell blacklist according to how long the mobile device determines to keep the identification of the femtocell in the femtocell blacklist.

17. The mobile device of claim 16 wherein the blacklist generator is implemented by a radio layer of the mobile device.

18. The mobile device of claim 17 wherein the radio layer comprises an upper layer signalling block, the upper layer signalling block being configured to detect rejections from femtocells for generating the femtocell blacklist.

19. The mobile device of claim 18 wherein the mobile device is configured to generate and maintain the femtocell blacklist by:

for each femtocell the mobile device attempts to use, adding an identification of the femtocell to the femtocell blacklist if the upper layer signalling block detects rejection from the femtocell.

20. The mobile device of any one of claims 16 to 19 further comprising:

a user interface configured to receive user input for overriding the femtocell blacklist;

wherein the mobile device is configured to temporarily override the femtocell blacklist upon receiving the user input.

21. A method for execution by a mobile device, the method comprising:

maintaining a femtocell whitelist indicating femtocells that the mobile device is able to use; and

adding an identification of a femtocell to the femtocell whitelist upon being granted use of the femtocell.

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RESEARCH IN MOTION
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BUILDING 6, BRAZOS EAST, SUITE 100
5000 RIVERSIDE DRIVE
IRVING TX 75039

In re Application of	:	
WILLEY, WILLIAM DANIEL, et al.	:	DECISION ON REQUEST TO
Application No. 12/369,822	:	PARTICIPATE IN PATENT
Filed: February 12, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. **33228-US-PAT**	:	PILOT PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed September 23, 2010.

The request and petition are **GRANTED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the EPO, or validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims; or a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application

(i) validly claims priority under 35 U.S.C. 365(b) to an application filed in the EPO, or

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

(iii) contains no priority claim,

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the EPO application(s);
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the EPO application(s);

(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the EPO application(s) containing the allowable/patentable claim(s);
(6) Applicant must submit an IDS listing the documents cited by the EPO examiner in the EPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

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

Telephone inquiries concerning this decision should be directed to Ken Wieder at 571-272-2986.

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

/Kenneth A. Wieder/

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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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.
12/369,823	02/12/2009	Shlomo Shpun	357138.00003	4586

78905 7590 06/15/2011
Saul Ewing LLP (Philadelphia)
Attn: Patent Docket Clerk
Penn National Insurance Plaza
2 North Second Street, 7th Floor
Harrisburg, PA 17101

EXAMINER
BAYAT, BRADLEY B

ART UNIT	PAPER NUMBER
3625	

NOTIFICATION DATE	DELIVERY MODE
06/15/2011	ELECTRONIC

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

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

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

patents@saul.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

Saul Ewing LLP (Philadelphia)
Attn: Patent Docket Clerk
Penn National Insurance Plaza
2 North Second Street, 7th Floor
Harrisburg PA 17101

Applicant: Shpun et al.
Appl. No.: 12/369,823
Filing Date: February 12, 2009
Title: ONLINE MARKETPLACE FOR SALE OF DISCOUNTED STATED VALUE VOUCHERS REDEEMABLE BY VENDORS
Attorney Docket No.: 357138.00003
Pub. No.: US 2009/0204500 A1
Pub. Date: August 13, 2009

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on December 1, 2010, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because **the applicant submitted the papers as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission**. The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission and must include a copy of the application in compliance with the Office electronic filing system requirements. The applicant is directed to the following

website for additional instructions on how to submit a Pre-Grant Publication submission via the electronic filing system:

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

Any questions or requests for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.

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

Adjustment date: 06/15/2011 KKING1
12/01/2010 INTEFSW 00009999 504364 12369823
03 FC:1504 300.00 CR

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/369,887	02/12/2009	Jun MURAKI	09048/LH	4706

1933 7590 03/21/2011
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EXAMINER
YE, LIN

ART UNIT	PAPER NUMBER
2622	

MAIL DATE	DELIVERY MODE
03/21/2011	PAPER

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

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

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NEW YORK NY 10001-7708

In re Application of	:	
MURAKI, JUN et al.	:	DECISION ON REQUEST TO
Application No. 12/369,887	:	PARTICIPATE IN PATENT
Filed: February 12, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. **09048/LH**	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed January 11, 2011 to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

Telephone inquiries concerning this decision should be directed to Daniel Swerdlow at 571-272-7531.

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

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

/ Daniel Swerdlow /

Daniel Swerdlow
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

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

YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria VA 22314

MAILED
DEC 15 2011
OFFICE OF PETITIONS

In re Application of :
Jerich :
Application No. 12/369,896 :
Filed: February 12, 2009 :
Attorney Docket No. 2001-1665 :

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed December 6, 2011.

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

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

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

This application is being forwarded to the Office of Data Management for processing in the normal course of business.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Attorney Advisor
Office of Petitions

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

PTO/SB/420 (11-10)
Approved for use through 01/31/2011. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: EE015	Application Number (if known): 12/370,036	Filing date: 02-12-2009
First Named Inventor: MARTIN FORNAGE		
Title: METHOD AND APPARATUS FOR DISTRIBUTED VAR COMPENSATION		

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

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

1. By filing this petition:

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

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

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

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

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

6. Other attachments: STATEMENTS OF SPECIAL STATUS/PRELIMINARY AMENDMENT

Signature /RAYMOND R. MOSER, JR./	Date NOVEMBER 19, 2010
Name (Print/Typed) RAYMOND R. MOSER, JR.	Registration Number 34,682

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

☒ *Total of 1 forms are submitted.

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

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

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

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

(Not to be Submitted to the USPTO)

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

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

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

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

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

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

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

Privacy Act Statement

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

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

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Martin Fornage	§	
Serial No.: 12/370,036	§	Atty. Docket No.: EE015
Confirmation No.: 4980	§	Group Art Unit: 2836
Filed: February 12, 2009	§	Examiner: Fureman, Jared
For: Method And Apparatus For Distributed VAR Compensation	§	

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

STATEMENTS OF SPECIAL STATUS FOR PARTICIPATION IN GREEN TECHNOLOGY PILOT PROGRAM

Sir:

Applicants request the Office enter this Petition for Participation in the Green Technology Pilot Program.

Statement of Basis for Special Status

Applicants submit that the instant application materially contributes to the development of renewable energy resources. In particular, the instant application materially contributes to the transmission, distribution, or other services directly used in providing electrical energy from renewable energy sources by materially contributing to improved operating efficiency of systems providing electrical energy from renewable energy resources.

Statement of Materiality Standard

Applicant's invention is directed to improving the efficiency of operating distributed generators (DGs) which generate energy from renewable energy sources, such as solar power systems, windfarms, hydroelectric energy systems, and the like. Specifically, Applicants' invention is directed to determining an amount of required Volt-Ampere Reactive (VAR) compensation, requesting a DG to generate reactive power based on the required VAR compensation, and operating a power converter of the DG to generate the reactive power. Such on-demand reactive power from the DG provides VAR compensation for improving the efficiency of distributing generated power over an AC line.

Statement Pertaining to Restriction Requirement

In the event that the USPTO determines that the claims are directed to multiple inventions, Applicant agrees to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements in section II or III of the Federal Register Notice, Vol. 74, No. 234, published Tuesday, December 8, 2009.

Publication Fee

The publication fee set forth in 37 CFR 1.18(d) accompanies this request.

CONCLUSION

Applicants respectfully request that the Office accept this Petition for Participation in the Green Technology Pilot Program

Respectfully submitted,

Moser IP Law Group

Date: November 19, 2010

By: /Raymond R. Moser, Jr./
Raymond R. Moser, Jr.
Registration No. 34,682

MOSER IP LAW GROUP
1030 Broad Street, Suite 203
Shrewsbury, NJ 07702
(732) 935-7100

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/370,036	02/12/2009	Martin Fornage	EE015	4980

54698 7590 12/22/2010
RAYMOND R. MOSER JR., ESQ.
MOSER IP LAW GROUP
1030 BROAD STREET
SUITE 203
SHREWSBURY, NJ 07702

EXAMINER
KAPLAN, HAL IRA

ART UNIT	PAPER NUMBER
2836	

MAIL DATE	DELIVERY MODE
12/22/2010	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

RAYMOND R. MOSER JR., ESQ.
MOSER IP LAW GROUP
1030 BROAD STREET
SUITE 203
SHREWSBURY NJ 07702

In re Application of	:	
Martin FORNAGE	:	DECISION ON PETITION
Application No. 12/370,036	:	TO MAKE SPECIAL UNDER
Filed: February 12, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. EE015	:	PILOT PROGRAM

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

The petition is **GRANTED**.

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

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

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

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

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

The application is being forwarded to the Technology Center Art Unit 2836 for action in its regular turn.

Lee W. Young
Quality Assurance Specialist
Technology Center 2800

12/370,057

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110520

DATE : May 20, 2011

TO SPE OF : ART UNIT 2816

SUBJECT : Request for Certificate of Correction on Patent No.: 7924086

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

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - PK 3-910
Palm location **7590** - Tel. No. 305-8201

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

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

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

☒ **Approved** **All** changes apply.

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

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

Comments:

SPE: /Lincoln Donovan/ **Art Unit** 2816

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):
12/370,082	
First Named Inventor:	Title of Invention:
Hiromichi HIRAMATSU et al.	Rotating Electrical Machine

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 /Suzanne C. Walts/	Date May 3, 2011
Name (Print/Typed) Suzanne C. Walts	Practitioner Registration Number 60,831

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.

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

MAILED
MAY 05 2011
OFFICE OF PETITIONS

In re Application of	:	
Hiramatsu et al.	:	
Application No. 12/370,082	:	DECISION ON PETITION
Filed: February 12, 2009	:	
Attorney Docket No. 104165.61321US	:	

This is a decision on the request filed May 3, 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 6, 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 2834 for re-mailing the Office action of January 6, 2011. The period for reply will run from the mailing date of the Office action.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

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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.
12/370,090	02/12/2009	Yachuan Pu	16491-0044001	5077

20985 7590 09/16/2011
FISH & RICHARDSON P.C. (SD)
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER
STICE, PAULA J

ART UNIT	PAPER NUMBER
3766	

NOTIFICATION DATE	DELIVERY MODE
09/16/2011	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):

PATDOCTC@fr.com

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

In re Application of:
PU, YACHUAN et al
Serial No. 12/370,090
Filed: Feb. 12, 2009
Docket: 16491-0044001
Title: DETECTING SLEEP DISORDERS USING HEART ACTIVITY

DECISION ON PETITION
UNDER 37 CFR § 1.144

This is a decision on the petition filed August 23, 2011 under 37 CFR 1.181 requesting withdrawal of the restriction requirement of February 16, 2011. This petition is being considered pursuant to 37 CFR § 1.144 and 37 CFR § 1.181, and no fee is required.

The petition is dismissed as moot.

In the petition, petitioner argues that the examiner failed to show any basis for maintaining the restriction between the apparatus claims 1-19 and systems claims 20-30. In essence, petitioner argues that the examiner also failed to explain why the claimed inventions are distinct in the restriction requirement. The examiner's assertion of distinctness was not supported by any reasons and/or examples to support the conclusions as required by MPEP §806.05(c). Petitioner also argues in essence that the inventions defined by Groups I and II are not distinct because all limitations recited in claim 1 are included in claim 20. Therefore, there should not be any serious search burden. These groups of apparatus and systems claims should be joined together.

In the restriction requirement of February 16, 2011, the examiner required an election between: Group I, claims 1-19, drawn to an apparatus for detecting bradycardia and determining sleep apnea based on bradycardia, classified in class 600, subclass 509. Group II inventions consist of claims 20-30, drawn to an electrograph and a data processing device to monitor a physiological condition, classified in class 600, subclass 300. However, in response to the applicant's claim amendment of April 18, 2011, the examiner provided an inadequate explanation as to why the claimed inventions of apparatus and systems claims are independent or distinct from each other. Therefore, the restriction requirement promulgated on February 16, 2011 is no longer applicable as stated in the restriction requirement of February 16, 2011.

On August 23, 2011, the applicant has filed a Rule 111 amendment to the elected apparatus claims and the non-elected system claims 20-30. In the Rule 111 Amendment, the applicant has effectively cancelled the original scopes of the elected claims 1-19 and non-elected claims 20-30 and additionally added new claims 31-35. In view of the substantive amendment to all of the elected and non-elected claims 1-30 which changes the scopes of the elected and non-elected inventions as claimed, the original restriction requirement of February 16, 2011 is no longer applicable. The propriety of the restriction requirement cannot be decided. The requested relief can not be granted. However, in order to clarify the status of the restriction requirement in view of the Rule 111 amendment of August 23, 2011, the examiner is directed in the next Office action to provide a complete restriction requirement based on the current amended and added claims 1-35 in accordance with the Chapter 800 of MPEP practices and procedures. In the alternative, the examiner should withdraw the restriction requirement of February 16, 2011 and rejoin the non-elected claims 20-30. An Office action in response to the Rule 111 Amendment of August 23, 2011 consistent with this decision will follow in due course.

The application is being forwarded to the examiner via the Supervisory Patent Examiner for preparation of an Office action in response to the applicant's Rule 111 Amendment of August 23, 2011 regarding the alleged improper restriction of February 16, 2011. Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision, 37 CFR 1.181(f). The 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. No extension of time under 37 CFR 1.136(a) is permitted.

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

PETITION DISMISSED as MOOT

For

Angela D. Sykes, Director
Technology Center 3700

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : **08/24/11**

TO SPE OF : ART UNIT: **3725 Attn: ROSS DANA (SPE)**

SUBJECT : Request for Certificate of Correction for Appl. No.: **12/370134** Patent No.: **7886570**

CofC mailroom date: 08/16/11

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Note: Please check Claims 1, 5 & 6 (amended 07/09/2010) Should be corrected as requested or not.

Tasneem Siddiqui
Certificates of Correction Branch
703-756-1814 & 703-756-1593

Thank You For Your Assistance

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

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

Comments: APPROVED

/DANA ROSS/ — **SPE**

3725 — **Art Unit**

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CHARLOTTE, NC 28280-4000

MAILED

OCT 05 2011

OFFICE OF PETITIONS

In re Application of	:	
Che-Leung Law, et al.	:	
Application No.: 12/370,151	:	ON PETITION
Filed: February 12, 2009	:	
Attorney Docket No.: 057762 - 397750	:	

This is a decision on the petition, filed September 13, 2011, 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 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) and (iii) to the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The present petition does not comply with item (1) because petitioner failed to include a proper Application Data Sheet (ADS) or an amendment to the first sentence of the specification following the title to include a proper reference under 37 CFR 1.78(a)(2)(i).

In regard to the ADS – Petitioner submitted an ADS which is not signed in accordance with 37 CFR 1.33 and 10.18. See also 37 CFR 1.4(d) for the form of the signature.

In regard to the amendment – It appears that a reference to the prior-filed provisional application has been included in an amendment embodied in the instant petition. However, the amendment is unacceptable as drafted and, therefore, is not considered a proper reference under 37 CFR 1.78(a)(2)(i). Specifically, the amendment does not comply with 37 CFR 1.121, 1.52, or 1.4(c). Note that 37 CFR 1.121 states that amendments are made by filing a paper, in compliance with § 1.52, directing that specified amendments be made. The pertinent section of 37 CFR 1.52 states that the claim (in this case, the claim for priority), must commence on a separate physical sheet. 37 CFR 1.4(c) states that each distinct subject must be contained in a separate paper since different matters may be considered by different branches of the United States Patent and Trademark Office.

In view of the above, an ADS or amendment in compliance with the aforementioned rules, along with a renewed petition under 37 CFR 1.78(a)(6), must be submitted.

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

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

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

By internet: EFS-Web[1]

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

/SDB/

Sherry D. Brinkley
Petition 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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DEC 12 2011

OFFICE OF PETITIONS

In re Application of	:	
Che-Leung Law, et al.	:	
Application No. 12/370,151	:	DECISION ON PETITION
Filed: February 12, 2009	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No.: 057762 - 397750	:	

This is a decision in response to the communication filed December 9, 2011, which is being treated as a renewed petition, under the provisions of 37 CFR 1.78(a)(6) to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of the prior-filed provisional application set forth in the Application Data Sheet (ADS) filed September 13, 2011.

The petition is **GRANTED**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

(1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Additionally, the nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Further, the non-provisional application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application.

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

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

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

The application is being forwarded to the Office of Data Management, via Technology Center AU 1642 for consideration by the examiner of the claim under 35 U.S.C. §119(e) for the benefit of priority to the prior-filed provisional application.

Inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries concerning the status of the application should be directed to Office of Data Management Staff at (571) 272-4200

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

Attachment: Corrected Filing Receipt

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/370,151	02/12/2009	1642	696	057762 - 397750	29	1

CONFIRMATION NO. 5180

CORRECTED FILING RECEIPT

11271
Alston & Bird LLP/Seattle Genetics, Inc.
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000

OC000000051406517

Date Mailed: 12/09/2011

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)

Che-Leung Law, Shoreline, WA;
Julie McEarchern, Mill Creek, WA;
Alan F. Wahl, Mercer Island, WA;

Assignment For Published Patent Application

Seattle Genetics, Inc., Bothell, WA

Power of Attorney: The patent practitioners associated with Customer Number 11271

Domestic Priority data as claimed by applicant

This application is a CON of 11/735,365 04/13/2007 PAT 7,641,903
which claims benefit of 60/792,132 04/13/2006
and is a CIP of 11/251,173 10/14/2005 PAT 7,491,390
which claims benefit of 60/645,355 01/19/2005
and claims benefit of 60/619,018 10/15/2004

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

If Required, Foreign Filing License Granted: 03/04/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/370,151**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

ANTI-CD70 ANTIBODY AND ITS USE FOR THE TREATMENT AND PREVENTION OF CANCER AND IMMUNE DISORDERS

Preliminary Class

424

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

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

NOT GRANTED

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

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LANDRUM INTELLECTUAL PROPERTY
7000 VIRIDIAN LANE
AUSTIN TX 78739

In re Application of	:
Fueyo et al.	:
Application No. 12/370,232	: DECISION ON PETITION
Filed: February 12, 2009	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. UTXC:837USD1/1090047	: UNDER 37 CFR 1.78(a)(6)

This is a decision on the petitions under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed October 20, 2011, to accept an unintentionally delayed claim under 35 U.S.C. §§120 and 119(e) for the benefit of the prior-filed applications set forth in the concurrently filed amendment.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional where there is a question whether the delay was unintentional.

The instant petition does not comply with item (1) above.

A reference to add the above-noted, prior-filed applications on page one following the first sentence of the specification has been included in a concurrently filed amendment. However, the amendment is not acceptable as drafted since it improperly incorporates by reference the prior-filed applications. Petitioner's attention is directed to Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980), where the court drew a distinction between a permissible 35 U.S.C. § 120 statement and the impermissible introduction of new matter by way of incorporation by reference in a 35 U.S.C. § 120 statement. The court specifically stated:

> Section 120 merely provides a mechanism whereby an application becomes entitled to benefit of the filing date of an earlier application disclosing the same subject matter. Common subject matter must be disclosed, in both applications, either specifically or by an express incorporation-by-reference of prior disclosed

> subject matter. Nothing in section 120 itself operates to carry forward any disclosure from an earlier application. In re deSeversky, supra at 674, 177 USPQ at 146-147. Section 120 contains no magical disclosure-augmenting powers able to pierce new matter barriers. It cannot, therefore, "limit" the absolute and express prohibition against new matter contained in section 251.

In order for the incorporation by reference statement to be effective as a proper safeguard against the omission of a portion of a prior application, the incorporation by reference statement must be included in the specification-as-filed, or in an amendment specifically referred to in an oath or declaration executing the application. *See* In re deSeversky, *supra*. *Note also* MPEP 201.06(c).

The original specification upon filing of the above-identified application only referenced Application Nos. 11/077,513, 10/124,608 and 60/551,932. Therefore, the incorporation herein by reference statement included in the amendment filed with the instant petition is not proper since at the time of filing, the instant application did not reference provisional Application No. 60/284,402.

Further, petitioner is advised that, where an application claims a benefit under 35 U.S.C. 120 of a chain of applications, the application must make a reference to the first (earliest) application and every intermediate application. *See* Sampson v. Ampex Corp., 463 F.2d 1042, 1044-45, 174 USPQ 417, 418-19 (2d Cir. 1972); Sticker Indus. Supply Corp. v. Blaw-Knox Co., 405 F.2d 90, 93, 160 USPQ 177, 179 (7th Cir. 1968); Hovlid v Asari, 305 F.2d 747, 751, 134 USPQ 162, 165 (9th Cir. 1962). See also MPEP § 201.11. In addition, every intermediate application must also make a reference to the first (earliest) application and every application after the first application and before such intermediate application. MPEP Section 201.06(d). Petition should review the claim submitted to ensure that a reference is made to the first application and to every intermediate application.

Currently, there is no reference in Application No. 11/077,513 to Application No. 10/124,608. Further, if the reference is to come directly off of the instant application to Application No. 10/124,608, there is no copendency as '608 was abandoned on March 16, 2005 and the instant application was no filed until February 12, 2009.

Accordingly, petitioner is advised to submit a substitute amendment correcting the above issues regarding Application No. 10/124,608 and deleting the incorporation by reference statement to provisional Application No. 60/284,402, filed April 17, 2001, along with a renewed petition under 37 CFR 1.78(a)(3) and 1.78(a)(6).

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

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Customer Service Window Randolph Building
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Alexandria, VA 22314

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

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

In re Application of	:
Fueyo et al.	:
Application No. 12/370,232	: DECISION ON PETITION
Filed: February 12, 2009	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. UTXC:837USD1/1090047	:

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed February 15, 2012, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to prior-filed nonprovisional Application No. 10/124,608, filed April 17, 2002, set forth in the amendment filed concurrently with the instant petition.

The petition is **DISMISSED**.

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

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

The instant petition does not comply with item (1) above.

As stated in the previous decision, petitioner is advised that, where an application claims a benefit under 35 U.S.C. 120 of a chain of applications, the application must make a reference to the first (earliest) application and every intermediate application. *See* Sampson v. Ampex Corp., 463 F.2d 1042, 1044-45, 174 USPQ 417, 418-19 (2d Cir. 1972); Sticker Indus. Supply Corp. v. Blaw-Knox Co., 405 F.2d 90, 93, 160 USPQ 177, 179 (7th Cir. 1968); Hovlid v Asari, 305 F.2d 747, 751, 134 USPQ 162, 165 (9th Cir. 1962). See also MPEP § 201.11. In addition, every intermediate application must also make a reference to the first (earliest) application and every application after the first application and before such intermediate application. MPEP Section 201.06(d). Petition should review the claim submitted to ensure that a reference is properly made to the first application and to every intermediate application.

Currently, there is no proper reference in Application No. 11/077,513 to Application No. 10/124,608. Petitioner states, "Application 10/124,608 (filed 4/17/2002, abandoned 6/28/2005), which was co-pending with application 11/077,513 as evidenced by the priority paragraph from the 11/077,513 application as filed (Exhibit B)." While there is a reference to '608 in the original specification in '513, it was not proper as it did not identify the relationship between the two applications. Only July 9, 2008, an Amendment to the Specification was filed in '513, which requested that the specification be amended to read, "This application is a continuation in part of and claims priority to co-pending U.S. Patent application serial 10/124,608, filed April 17, 2002, now abandoned..."

As stated in MPEP 201.11,

> 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. Such benefit claim may not be recognized by the Office and may not be included on the filing receipt even if the claim appears in the first sentence(s) of the specification or an application data sheet. **If the Office does not recognize a benefit claim under 35 U.S.C. 120 because it does not contain the required reference and the time period set forth in 37 CFR 1.78(a)(2)(ii) for submitting the required reference has expired, applicant must submit a petition under 37 CFR 1.78(a)(3) and the surcharge set forth in 37 CFR 1.17(t) in order for the Office to accept the unintentionally delayed claim under 35 U.S.C. 120.**

As such, a petition under 37 CFR 1.78(a)(3) needs to be filed in Application No. 11/077,513 to properly correct the benefit claim to Application No. 10/124,608 before the priority claim can be properly corrected in the instant application.

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 Window located at: U.S. Patent and Trademark Office Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-8300 ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

PENUMBRA INC. C/O MOFO
425 MARKET STREET
SAN FRANCISCO, CA 94105-2482

MAILED

AUG 30 2010

OFFICE OF PETITIONS

In re Application of
Arthur John Lockhart et al.
Application No. 12/370,288
Filed: February 12, 2009
Attorney Docket No. **028414-000900US**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR. § 1.36(b), filed July 26, 2010.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to attorneys/agents associated with Customer Number 87935 has been revoked by the applicants of the patent application on July 28, 2010. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

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

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

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED
JAN 12 2012
OFFICE OF PETITIONS

Amit K. Singh
1075 Salem Street
North Andover MA 01845-4908

In re Application of	:	
Carlo Mandrone et al.	:	
Application No. 12/370,311	:	DECISION ON PETITION
Filed: February 12, 2009	:	TO WITHDRAW
Attorney Docket No. ATS _001	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 9, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Amit K. Singh, former attorney/agent associated with customer number 80828. Amit K. Singh has been withdrawn. All other attorneys/agents will remain of record.

The correspondence address will remain the same until further notified by applicant.

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED

MAR 14 2011

OFFICE OF PETITIONS

In re Application of	:	
PATTON, et al	:	
Application No. 12/370,343	:	DECISION ON PETITION
Filed: February 12, 2009	:	TO WITHDRAW
Attorney Docket No. 1361027-2004.1	:	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 7, 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 W. Branch on behalf of the attorneys of record associated with Customer No. 20999.

The attorneys of record associated with Customer No. 20999 have been withdrawn.

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

The correspondence address of record has been changed and the new correspondence address is the address first copied below until otherwise properly notified by the applicant.

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

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

cc: SITESCOUT CORPORATION
419 OCCIDENTAL AVE., S
SUITE 404: ATTN: ROB LIPSCHUTZ, CEO
SEATTLE WA 98104

cc: JOHN W. BRANCH
1191 2ND AVENUE SUITE 2000
SEATTLE WA 98101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/370,343	02/12/2009	John D. Patton	1361027-2004.1

CONFIRMATION NO. 5533

POWER OF ATTORNEY NOTICE

20999
FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

OC000000046284153

Date Mailed: 03/02/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/07/2011.

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

/dcgoodwyn/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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LAW OFFICES OF DONALD COX
P.O. BOX 505
PRINCETON NJ 08542-0505

MAILED
MAY 23 2011
OFFICE OF PETITIONS

In re Application of	:	
DOW, Paul E.	:	
Application No. 12/370,476	:	DECISION ON PETITION
Filed: February 12, 2009	:	
Attorney Docket No. **1642-1-001CON**	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 29, 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 July 16, 2010, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on August 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 election, (2) the petition fee of $810.00, and (3) a proper statement of unintentional delay. Accordingly, the reply to the Restriction Requirement of July 16, 2010 is accepted as having been unintentionally delayed.

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

This application is being referred to Technology Center AU 3637 for appropriate action by the Examiner in the normal course of business on the reply received

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
525 B STREET
SUITE 2200
SAN DIEGO CA 92101

MAILED
NOV 29 2010
OFFICE OF PETITIONS

In re Application of	:	
SPINAR et al.	:	
Application No. 12/370,506	:	DECISION ON PETITION
Filed: 02/12/2009	:	
Attorney Docket No. 112174-23CON5	:	

This is a decision on the petition under 37 CFR 1.48(a), filed March 23, 2010, to add named inventors. This is also a decision on the petition under 37 CFR 1.47(a), filed March 23, 2010.

The petitions are **DISMISSED**.

Applicants are given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.48(a) and Petition Under 37 CFR 1.47(a)." Any extensions of time will be governed by 37 CFR 1.136(a).

Applicants request that Klein, Gilbert and Mollenauer be added as inventors for this application. Applicants assert that they presented Klein with a complete copy of the application; however, he has refused to sign the declaration. Therefore, applicants seek relief under 37 CFR 1.48(a) and 37 CFR 1.47(a).

Pursuant to 37 CFR 1.48(a):

> *Nonprovisional application after oath /declaration filed.* If the inventive entity is set forth in error in an executed § 1.63 oath or declaration in a nonprovisional application, and such error arose without any deceptive intention on the part of the person named as an inventor in error or on the part of the person who through error was not named as an inventor, the inventorship of the nonprovisional application may be amended to name only the actual inventor or inventors. Amendment of the inventorship requires:

(1) A request to correct the inventorship that sets forth the desired inventorship change;

(2) A statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;

(3) An oath or declaration by the actual inventor or inventors as required by § 1.63 or as permitted by §§ 1.42, 1.43 or § 1.47;

(4) The processing fee set forth in § 1.17(i); and

(5) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter).

Petitioners have failed to meet the requirements of 37 CFR 1.48(a)(3). The declaration submitted on petition is unacceptable as it fails to comply with 37 CFR 1.63(c)(1). The Office notes: "Unless such information is supplied on an application data sheet in accordance with § 1.76, the oath or declaration must also identify ... The mailing address, and the residence if an inventor lives at a location which is different from where the inventor customarily receives mail, of each inventor." 37 CFR 1.63(c)(1). To correct the deficiency, applicants must submit a declaration, identifying the entire inventive entity by name, residence and/or post office address, and citizenship, signed by the signing inventors on behalf of themselves and the non-signing inventor. Accordingly, the petition under 37 CFR 1.48(a) is **dismissed**.

A grantable petition under 37 CFR 1.47(a) requires:

(1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee; and

(4) a statement of the last known address of the non-signing inventor.

Applicants lack item (2) as set forth above.

As previously stated, the declaration is defective because it does not identify the residence and mailing address of the non-singing inventor. Therefore, correction is required by way of a newly executed oath or declaration. The petition under 37 CFR 1.47(a) is **dismissed**.

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

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

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

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

Correspondence related to this decision may also be submitted via the USPTO's Electronic Filing System.

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

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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DEC 27 2010
OFFICE OF PETITIONS

PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
525 B STREET
SUITE 2200
SAN DIEGO CA 92101

In re Application of	:	
SPINAR et al.	:	
Application No. 12/370,506	:	DECISION ON PETITION
Filed: 02/12/2009	:	
Attorney Docket No. 112174-23CON5	:	

This is a decision on the renewed petition under 37 CFR 1.48(a), filed December 20, 2010, to add named inventors. This is also a decision on the renewed petition under 37 CFR 1.47(a), filed December 20, 2010.

The petitions are **GRANTED**.

Applicants request that Klein, Gilbert and Mollenauer be added as inventors for this application. Applicants assert that they presented Klein with a complete copy of the application; however, he has refused to sign the declaration. Therefore, applicants seek relief under 37 CFR 1.48(a) and 37 CFR 1.47(a).

Pursuant to 37 CFR 1.48(a):

> *Nonprovisional application after oath /declaration filed.* If the inventive entity is set forth in error in an executed § 1.63 oath or declaration in a nonprovisional application, and such error arose without any deceptive intention on the part of the person named as an inventor in error or on the part of the person who through error was not named as an inventor, the inventorship of the nonprovisional application may be amended to name only the actual inventor or inventors. Amendment of the inventorship requires:
>
> (1) A request to correct the inventorship that sets forth the desired inventorship change;

(2) A statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;

(3) An oath or declaration by the actual inventor or inventors as required by § 1.63 or as permitted by §§ 1.42, 1.43 or § 1.47;

(4) The processing fee set forth in § 1.17(i); and

(5) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter).

A review of the renewed petition reveals that applicants have meet the requirements of 37 CFR 1.48(a). Accordingly, the petition under 37 CFR 1.48(a) is **granted**.

As to the petition under 37 CFR 1.47(a), the Office notes that a grantable petition under 37 CFR 1.47(a) requires:

(1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee; and

(4) a statement of the last known address of the non-signing inventor.

A review of the renewed petition reveals that applicants have meet the requirements of 37 CFR 1.47(a). Specifically, applicants established that they provided a complete copy of the application to the non-signing inventor. However, the non-signing inventor constructively refused to join in the application. Thus, the petition under 37 CFR 1.47(a) is **granted**.

The above-identified application and papers have been reviewed and are found to be in compliance with 37 CFR 1.47(a). Accordingly, the above-identified 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 last known address provided in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application is being forwarded to Technology Center Art Unit 2475.

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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ALEXANDRIA, VA 22313-1450
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Israel Jay Klein
103 Azar
Kfar Saba
ISRAEL 44505

MAILED
DEC 27 2010
OFFICE OF PETITIONS

In re Application of	:	
SPINAR et al.	:	
Application No. 12/370,506	:	NOTICE
Filed: 02/12/2009	:	
Attorney Docket No. 112174-23CON5	:	

Dear Mr. Klein:

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.

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application should be directed to the Certification Division at (571) 272-3150 or (800) 972-6382 (outside the Washington, DC area).

C. T. Donnell
Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
525 B STREET
SUITE 2200
SAN DIEGO CA 92101

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/370,506	02/12/2009	2475	1402	112174-23CON5	26	2

CONFIRMATION NO. 5838

CORRECTED FILING RECEIPT

27189
PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
525 B STREET
SUITE 2200
SAN DIEGO, CA 92101

OC000000045105047

Date Mailed: 12/23/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Brian Spinar, San Diego, CA;
Kenneth L. Stanwood, Cardiff by the Sea, CA;
Sheldon I. Gilbert, Los Gatos, CA;
Israel Jay Klein, Kfar Saba, ISRAEL;
James F. Mollenauer, Newton, MA;

Assignment For Published Patent Application

WI-LAN, INC., Ottawa, CANADA

Power of Attorney: The patent practitioners associated with Customer Number 27189

Domestic Priority data as claimed by applicant

This application is a CON of 11/350,474 02/08/2006 PAT 7,751,437
which is a CON of 10/014,951 12/11/2001 PAT 7,006,530
which claims benefit of 60/257,525 12/22/2000

Foreign Applications

If Required, Foreign Filing License Granted: 02/25/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/370,506**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

METHOD AND SYSTEM FOR ADAPTIVELY OBTAINING BANDWIDTH ALLOCATION REQUESTS

Preliminary Class

370

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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Paper No.

PROCOPIO, CORY,
HARGREAVES & SAVITCH LLP
525 B STREET
SUITE 2200
SAN DIEGO CA 92101

MAILED

OCT 14 2011

OFFICE OF PETITIONS

In re Application of :
Spinar et al. : DECISION ON PETITION
Application No. 12/370,506 :
Filed: February 12, 2009 :
Atty Docket No. 112174-23CON5 :

This is a decision on the PETITION TO ACCEPT AN UNINENTIONALLY DELAYED CLAIM UNDER 35 U.S.C. 120 FOR THE BENEFIT OF A PRIOR-FILED APPLICATION filed October 3, 2011, to accept the unintentionally delayed claim under 35 U.S.C. 120 for the benefit of application Nos. 11/170,392, 09/859,561 and 09/316,518.

The petition under §1.78(a)(3) is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(5)(ii), and must be filed during the pendency of the nonprovisional application. In addition, the petition under 37 CFR § 1.78(a)(6), must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR § 1.78(a)(2)(i) 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i), respectively, 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 37 CFR 1.78(a)(5)(ii), respectively, and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The instant application was filed after November 29, 2000. A review of the application as filed reveals that the claim for priority set forth on petition was not submitted on filing in the first sentence of the specification or in an application data sheet. The four and sixteen-month periods specified in 37 CFR 1.78(a)(5)(ii) have expired. Thus, the instant petition is appropriate. In addition, the petition includes the required statement of unintentional delay and the required surcharge.

On petition, a reference to the prior-filed nonprovisional applications has been included in an amendment, as required by 37 CFR 1.78(a)(2)(iii). A review of the prior applications reveals that the benefit claim to the chain of prior applications is effective as each prior application actually includes a proper benefit claim to the prior application in the chain. See also Claiming the Benefit of a Prior-Filed Application under 35 U.S.C. 119(e), 120, 121, and 365(c), 1268 OG 89 (March 18, 2003).

Moreover, it has been determined that although this amendment is filed after the mailing of a notice of allowance (but before payment of the issue fee), no request for continued examination is required to grant this petition.

All of the above requirements having been satisfied, the late claim for benefit of priority to the prior-filed applications under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

<u>The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR § 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §§119(e) and 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</u>

applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

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

Any questions concerning this matter may be directed to the undersigned at (571) 272-3219. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being referred to Technology Center Art Unit 2475 for consideration by the examiner of the claim for benefit of priority under 35 U.S.C. § 120 of the prior-filed application as set forth in the amendment filed October 3, 2011.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND.CLAIMS
12/370,506	02/12/2009	2475	1402	112174-23CON5	26	2

CONFIRMATION NO. 5838

CORRECTED FILING RECEIPT

27189
PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
525 B STREET
SUITE 2200
SAN DIEGO, CA 92101

OC000000050337535

Date Mailed: 10/13/2011

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)

Brian Spinar, San Diego, CA;
Kenneth L. Stanwood, Cardiff by the Sea, CA;
Sheldon I. Gilbert, Los Gatos, CA;
Israel Jay Klein, Kfar Saba, ISRAEL;
James F. Mollenauer, Newton, MA;

Assignment For Published Patent Application

WI-LAN, INC., Ottawa, CANADA

Power of Attorney: The patent practitioners associated with Customer Number 27189

Domestic Priority data as claimed by applicant

This application is a CON of 11/350,474 02/08/2006 PAT 7,751,437
which is a CON of 10/014,951 12/11/2001 PAT 7,006,530
which claims benefit of 60/257,525 12/22/2000
This application 12/370,506
is a CIP of 11/170,392 06/29/2005
which is a CON of 09/859,561 05/16/2001 PAT 6,956,834
which is a CON of 09/316,518 05/21/1999 PAT 6,925,068

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

If Required, Foreign Filing License Granted: 02/25/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/370,506**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
Title

METHOD AND SYSTEM FOR ADAPTIVELY OBTAINING BANDWIDTH ALLOCATION REQUESTS

Preliminary Class

370

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

NOT GRANTED

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

Doc Code: PET.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: 67681-8009.US01	Application Number (if known): 12/370,545	Filing date: February 12, 2009
First Named Inventor: Matthew Weaver		
Title: ELECTRICAL CIRCUIT FOR DRIVING LEDS IN DISSIMILAR COLOR STRING LENGTHS		

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

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

1. By filing this petition:

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

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

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

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

5. The application does not contain any multiple dependent claims

6. Other attachments: Preliminary Amendment, Statement of Special Status for Eligibility to Participate in the Green Technology Pilot Program

Signature: Lisa Liou	Date: 10/8/10
Name (Print/Typed): Lisa W. Liou	Registration Number: 54,275

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 if more than one signature, see below*.*

☐ *Total of 1 forms are submitted.

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 8, 2010 Signature: Eileen Welply (Eileen Welply)

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: Oct. 8, 2010 Signature: Eileen Welply

Eileen Welply

Attorney Docket No. 67681-8009.US01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Matthew Weaver

Application No.: 12/370,545 Confirmation No.: 5911

Filed: February 12, 2009 Art Unit: 2821

For: **ELECTRICAL CIRCUIT FOR DRIVING LEDS IN DISSIMILAR COLOR STRING LENGTHS** Examiner: Douglas W. Owens

STATEMENT OF SPECIAL STATUS FOR ELIGIBILITY TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM

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

Sir:

The applicants request to participate in the Green Technology Pilot Program for the above-identified application. This request is accompanied by the following statements regarding the eligibility requirements:

1. This application should be accorded special status under the Green Technology Pilot Program on the basis that this application materially contributes to the more efficient utilization and conservation of energy resources.

2. This application meets the materiality standards of the Green Technology Pilot Program because the claimed invention, which relates to driving light emitting diodes (LEDs) in dissimilar color string lengths, contributes to the efficient utilization of energy resources. High brightness white LEDs tend to have undesirable high spectral peaks at certain wavelengths. Light from different-colored LEDs can be used to fill out the light spectrum and provide for color temperature control without adding efficiency-eroding phophors to LEDs. It is also desirable to change the intensity of each color string of LEDs to tune the light spectrum. However, directly modulating the current source driving each string gives rise to efficiency penalties. The claimed

invention addresses these efficiency issues and thus will contribute to the adoption of light emitting diode lighting solutions. Therefore this application meets the materiality standards of the Green Technology Pilot Program because the claimed invention contributes to the efficient utilization of energy resources.

Please charge any deficiency in fees or credit any overpayment to our Deposit Account No. 50-2207, under Order No. 67681-8009.US01 from which the undersigned is authorized to draw.

Respectfully submitted,

Dated: 10/8/10

By Lisa Liou

Lisa W. Liou
Registration No. 54,275
PERKINS COIE LLP
P.O. Box 1208
Seattle, Washington 98111-1208
(650) 838-4300
(650) 838-4350 (Fax)
Attorney for Applicant

Correspondence Address:
Customer No. 22918

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.
12/370,545	02/12/2009	Matthew Weaver	67681-8009.US01	5911

22918 7590 10/15/2010
PERKINS COIE LLP
P.O. BOX 1208
SEATTLE, WA 98111-1208

EXAMINER
OWENS, DOUGLAS W

ART UNIT	PAPER NUMBER
2821	

NOTIFICATION DATE	DELIVERY MODE
10/15/2010	ELECTRONIC

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

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

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

patentprocurement@perkinscoie.com

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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PERKINS COIE LLP
P.O. BOX 1208
SEATTLE WA 98111-1208

In re Application of	:	
Matthew WEAVER	:	DECISION ON PETITION
Application No. 12/370,545	:	TO MAKE SPECIAL UNDER
Filed: February 12, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 67681-8009.US01	:	PILOT PROGRAM

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

The petition is **GRANTED**.

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

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

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

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

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

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

Lee W. Young
Quality Assurance Specialist
Technology Center 2800

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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PERKINS COIE LLP
P.O. Box 1208
Seattle, WA 98111-1208

MAILED

MAR 23 2011

OFFICE OF PETITIONS

In re Application of	:	
Tyng Jar Albert Hu	:	
Application No. 12/370,562	:	DECISION ON PETITION
Filed: February 12, 2009	:	TO WITHDRAW
Attorney Docket No. 43390-8019.US02	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 9, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Brian R. Coleman on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

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

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Trapeze Networks, Inc.**
c/o Juniper Networks, Inc.
1194 North Mathilda Avenue
Sunnyvale, CA 94089-1206

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/370,562	02/12/2009	Tyng Jar Albert Hu	43390-8019.US02

CONFIRMATION NO. 5939

POWER OF ATTORNEY NOTICE

22918
PERKINS COIE LLP
P.O. BOX 1208
SEATTLE, WA 98111-1208

OC000000046713324

Date Mailed: 03/22/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/09/2011.

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

/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

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WILLIAM J. STOFFEL
1735 MARKET ST. - STE A455
PHILADELPHIA PA 19103

MAILED

MAR 14 2011

OFFICE OF PETITIONS

In re Application of	:	
Bart Nieuwenhuksen	:	
Application No. 12/370,577	:	DECISION ON PETITION
Filed: February 12, 2009	:	TO WITHDRAW
Attorney Docket No. REV10-001-NP	:	FROM RECORD

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 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. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by William Stoffel on behalf of all attorneys/agents associated with customer number 61659. All attorneys/agents associated with customer number 61659 have been withdrawn.

The correspondence address has been changed and is copied below.

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Bart Nieuwenhuijsen
923 Catherine Street
Philadelphia, PA 19147

UNITED STATES PATENT AND TRADEMARK 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
12/370,577	02/12/2009	Bart Nieuwenhuijsen	REV10-001-NP

CONFIRMATION NO. 5968

POWER OF ATTORNEY NOTICE

61659
WILLIAM J. STOFFEL
1735 MARKET ST. - STE A455
PHILADELPHIA, PA 19103

OC000000046552377

Date Mailed: 03/14/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/29/2011.

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

/kainabinet/

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

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Commissioner for Patents
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MAILED
OCT 12 2011
OFFICE OF PETITIONS

AMPACC Law Group, PLLC
6100 219th Street SW, Suite 580
Mountlake Terrace WA 98043

In re Application of	:	
Kim et al.	:	
Application No.12/370,581	:	DECISION ON PETITION
Filed: February 12, 2009	:	
Attorney Docket No. 120WI-003300US	:	

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

The petition is **GRANTED**.

This application became abandoned for failure to timely submit corrected formal drawings on or before August 27, 2011, as required by the Notice of Allowability, mailed May 27, 2011. Accordingly, the date of abandonment of this application is August 28, 2011. A Notice of Abandonment was mailed September 13, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the corrected formal drawings, (2) the petition fee of 810.00; and (3) a proper statement of unintentional delay.

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

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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AUG 1 6 2010

CHRISTOPHER PAUL MITCHELL
888 16TH ST., NW
SUITE 800
WASHINGTON DC 20006

In re application of:	:	**DECISION ON PETITION**
Saidman, Perry J. et al.	:	**TO MAKE SPECIAL FOR**
Application No. 12/370,590	:	**NEW APPLICATION**
Filed: February 12, 2009	:	**UNDER 37 CFR 1.102**

For: METHOD AND SYSTEM FOR PROVIDING DESIGN LAW RESOURCE CENTER

This is a decision on the petition filed on February 12, 2009 to make the above-identified application special under 37 C.F.R. § 1.102(d) and MPEP 708.02, Section II, Infringement.

The petition to make the application special is **GRANTED**.

An application may be made special because of actual infringement (but not for prospective infringement) upon payment of the fee under 37 CFR 1.17(h) and the filing of a petition accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office alleging:

(A) That there is an infringing device or product actually on the market or method in use;
(B) That a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and
(C) That he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the pertinent prior art.

Applicant must provide one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record.

The petition of February 12, 2009 along with the IDS of May 4, 2009 complies with the above requirements and 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 Robert Weinhardt, Business Practice Specialist, at (571) 272-6633.

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

Robert Weinhardt
Business Practice Specialist
Technology Center 3600

RW/8/15/10

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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

Application No:	12/370,593	Filing date:	February 12, 2009
First Named Inventor:	Johnny Chen		
Title of the Invention:	Shoe and removably securable shoe insert		

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/US2010/023782

The international filing date of the corresponding PCT application(s) is/are: February 10, 2010

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.

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U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12/370,593
First Named Inventor:	Johnny Chen

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 17, 2010

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

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on October 17, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-26	1-26	identical

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

Signature /Sean D. Burdick/	Date June 21, 2011
Name (Print/Typed) Sean D. Burdick	Registration Number 51,513

Privacy Act Statement

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/370,593	02/12/2009	Johnny Chen	PF-02	6005

54788 7590 10/07/2011
SEAN D. BURDICK. P.E.
21372 AVENIDA MANANTIAL
LAKE FOREST, CA 92630

EXAMINER
MOHANDESI, JILA M

ART UNIT	PAPER NUMBER
3765	

MAIL DATE	DELIVERY MODE
10/07/2011	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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SEAN D. BURDICK. P.E.
21372 AVENIDA MANANTIAL
LAKE FOREST CA 92630

In re Application of:
CHEN, JOHNNY
Serial No.: 12/370,593
Filed: 02/12/2009
Attorney Docket No. : PF_02
Title: SHOE AND REMOVABLY SECURABLE SHOE INSERT

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed June 21, 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 PCT applications filed in the JPO, EPO, KIPO, or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition failed to meet condition Item #4 above.

Examination of this application has already begun. A non-final rejection was mailed on Sep. 6, 2011. Applicant has the set statutory period to reply to the office action. In light of this, the other issues on petition for participation in the PPH program are considered moot.

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 **dismissed as moot.**

/Henry C. Yuen/

Henry C. Yuen
Special Programs Examiner
Technology Center 3700
Tel: 571-272-4856

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COVENANT IP CONSULTING CO.
P.O. BOX 34-306 TAIPEI CITY
TAIPEI 10499 TW TAIWAN

MAILED
AUG 3 1 2010
OFFICE OF PETITIONS

In re Application of	:	
Chia-Fang YU	:	
Application No. 12/370,616	:	DECISION ON PETITION
Effective Date: February 13, 2009	:	
Attorney Docket No. TF03B09002	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 30, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers, mailed March 02, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 03, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings, (2) the petition fee of $810.00, and (3) a proper statement of unintentional delay. Accordingly, the reply to the Notice to File Corrected Application Papers of March 02, 2009 is accepted as having been unintentionally delayed.

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

This application is being referred to the Office Patent Application Processing.

Michelle R. Eason
Petitions Examiner
Office of Petitions

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BASF CORPORATION
CARL-BOSCH-STRASSE 38
LUDWIGSHAFEN D6705-6 DE
GERMANY

MAILED
FEB 22 2011
OFFICE OF PETITIONS

In re Application of
DaCosta e Silva, et al.
Application No. 12/370,659
Filed: 13 February, 2009
Attorney Docket No. 15090-05

DECISION ON PETITION

This is a decision on the petition filed on 3 November, 2010, pursuant to 37 C.F.R. §1.47

NOTE:

The record reflects that:

- The Notice of Allowance/Allowability and Fees Due—with a requirement for a new oath/declaration—was mailed on 5 August, 2010;
- Petitioner acknowledges contact with the non-signing inventor on 3 September, 2010, and directing materials to the non-signing inventor on that same date;
- The instant matter was submitted to the Office by Petitioner on 3 November, 2010.

The petition as considered under 37 C.F.R. §1.47(a) is **GRANTED**.

A grantable petition under 37 C.F.R. §1.47(a) requires: (1) petition and fee; (2) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification: description, claims and drawings); (3) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; and (4) a statement of the last known address of the non-signing inventor(s)—with diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address.

Petitioners always are reminded that for transmission by Email of any document to be accepted by the Office, written acknowledgment of receipt and readability will be required.

Petitioners always are reminded that for transmission by Email of any document to be accepted by the Office, written acknowledgment of receipt and readability of the message and all applicable attachments of required materials must be provided.

BACKGROUND

The record reflects as follows:

The application was deposited on 13 February, 2009, with, *inter alia*, a fully executed oath/declaration. (It does not appear that the Office mailed a Notice to File Corrected Application Papers (Including a Notice of Missing Parts.)

The Notice of Allowance/Allowability and Fees Due—with a requirement for a new oath/declaration—was mailed on 5 August, 2010;

On 3 November, 2010, Petitioner Patricia McDaniels (Reg. No. 33,194) submitted, *inter alia*: a petition (with fee) pursuant to 37 C.F.R. §1.47, with an oath/declaration executed by co-inventors DaCosta e Silva, Bohnert, Van Thielen and Ishitani for themselves and on behalf of non-signing inventor Ruoying Chen (Ms. Chen). Petitioner set forth statement of last know address to which she averred she transmitted papers to the nonsigning inventor, with a copy of the transmittal letter evidencing that the entire application (description, claims, abstract drawing(s) as filed and with a copy of the allowed claims and the failure of the non-signing inventor to reply and, thus, constructive refusal to sign/join in the oath/declaration and application, with Petitioner's diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address (signed return receipts). It appears that Petitioner provided a showing satisfying the requirements under the Rule to wit: showing/proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification: description, claims and drawings); an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; and a statement of the last known address of the non-signing inventor(s)—with diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address. Thus, Petitioner sought to satisfy the requirements pursuant to the Rule and the guidance in the Commentary at MPEP §409.03, and §409.03(a) et seq.), and provide a showing that the non-signing inventor could not be found after diligent effort.

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

now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

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

CONCLUSION

The instant petition under 37 C.F.R. §1.47(a) is **granted** (status is accorded pursuant to 37 C.F.R. §1.47(a).)

As provided in 37 C.F.R. §1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The instant application is released to the Office of Patent Application Processing (OPAP) for such processing as required in due course.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[2]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

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

[2] The regulations at 37 C.F.R. §1.2 provide:

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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RUOYING CHEN
3239 SATELLITE BLVD
DULUTH, GA 30096

MAILED

FEB 22 2011

OFFICE OF PETITIONS

In re Application of
DaCosta e Silva, et al.
Application No. 12/370,659
Filed: 13 February, 2009
Attorney Docket No. 15090-05

COMMUNICATION

Dear Ruoying Chen:

You are named as an inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. §116 (United States Code), and 37 C.F.R. §1.47 (Code of Federal Regulations), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein 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 C.F.R. §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 C.F.R. §1.63.

Should you elect to join in the application, the contact information for Counsel of Record is set forth at the end of this Communication.

Should you seek to identify independent Counsel, you may find the Patent Attorneys/Agents Search engine of assistance (https://oedci.uspto.gov/OEDCI/).

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).

Telephone inquiries regarding this communication may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[1]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's/your action(s) and/or inactions. Moreover, the Office can neither advise you nor recommend Counsel in this matter.

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

Counsel of Record:
BASF CORPORATION
CARL-BOSCH-STRASSE 38
LUDWIGSHAFEN D6705-6 DE
GERMANY

[1] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt

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

MAILED

DEC 06 2010

OFFICE OF PETITIONS

In re Application of	:	
Shunpei Yamazaki, et al.	:	
Application No. 12/370,767	:	DECISION GRANTING PETITION
Filed: February 13, 2009	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 12732-0168003	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, December 3, 2010 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on November 9, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2891 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

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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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P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

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APR 14 2011
OFFICE OF PETITIONS

In re Application of	:	
Shunpei Yamazaki, et al.	:	
Application No. 12/370,767	:	DECISION GRANTING PETITION
Filed: February 13, 2009	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 12732-0168003	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, April 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 April 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 Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2891 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

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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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OPPENHEIMER WOLFF & DONNELLY LLP
45 SOUTH SEVENTH STREET, SUITE 3300
MINNEAPOLIS, MN 55402

MAILED

FEB 28 2011

OFFICE OF PETITIONS

In re Application of :
Douglas S. Cali et al :
Application No. 12/370,787 :
Filed: February 13, 2009 :
Attorney Docket No. 22561-3423/US/7

NOTICE

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

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

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

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

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

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Jeffrey J. Hohenshell
710 Medtronic Parkway
Minneapolis, MN 55432

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Dimock Stratton LLP/Research In Motion Limited
20 Queen Street West, 32nd Floor, Box 102
Toronto ON M5H 3R3
CANADA

MAILED
JAN 24 2012
OFFICE OF PETITIONS

In re Application of	:	
Brown et al.	:	
Application No. 12/370,823	:	DECISION ON PETITION
Filed: February 13, 2009	:	PURSUANT TO
Attorney Docket Number: 1679-327/EDEV	:	37 C.F.R. § 1.137(B)
Title: SYSTEM AND METHOD FOR UPDATING MESSAGE TRUST STATUS	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b) to revive the above-identified application, filed on December 23, 2011.

This petition is **DISMISSED**.

The above-identified application became abandoned for failure to submit an Appeal Brief within two-months of the filing of a Notice of Appeal on February 17, 2011. No extensions of time pursuant to 37 C.F.R. § 1.136(a) were received. Accordingly, the above-identified application became abandoned on April 18, 2011. A Notice of Abandonment was mailed on November 1, 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.

37 C.F.R. § 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 C.F.R. § 1.137(b) was unintentional. Since the statement contained in this petition varies from the language required by 37 C.F.R. § 1.137(b)(3), the statement contained in this petition is being construed as the statement required by 37 C.F.R. § 1.137(b)(3) and Petitioner must notify the Office if this is not a correct interpretation of the statement contained in this petition.

With this petition, Petitioner has included the petition fee, a notice of appeal, a pre-appeal brief request for review, and a statement that is being construed as 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. 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.*, an Appeal Brief along with the required fee; an amendment that *prima facie* places the application in condition for allowance; a continuing application under 37 C.F.R. § 1.53(b); a request for continuing examination under 37 C.F.R. § 1.114, if applicable; or a 37 C.F.R. § 1.129(a) submission, if applicable). The petition was not accompanied by any of these replies: instead, Petitioner submitted a notice of appeal[3] and a pre-appeal brief request for review.[4]

---

1 See Rule 1.137(d).
2 See M.P.E.P. 711.03(c).

3 Petitioner has also submitted the fee which is associated with the filing of a notice of appeal. Since the Office cannot enter and effectuate the

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 the required reply. 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,[5] hand-delivery,[6] or facsimile.[7] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[8]

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.[9] All other inquiries concerning examination procedures should be directed to the Technology Center.

Paul Shanoski
Senior Attorney
Office of Petitions

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notice of appeal, this $620 will be refunded to Deposit Account number 50-0663 in due course.

4 On the second page of this petition, Petitioner indicates that he is of the mistaken belief that this application went abandoned "for failure to re-file the Pre-Appeal Brief Request."

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

6 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.

7 (571) 273-8300: please note this is a central facsimile number.

8 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED
MAR 30 2012
OFFICE OF PETITIONS

Dimock Stratton LLP/Research In Motion Limited
20 Queen Street West, 32nd Floor, Box 102
Toronto ON M5H 3R3
CANADA

In re Application of	:	
Brown et al.	:	
Application No. 12/370,823	:	DECISION ON RENEWED
Filed: February 13, 2009	:	PETITION PURSUANT TO
Attorney Docket Number: 1679-327/EDEV	:	37 C.F.R. § 1.137(B)
Title: SYSTEM AND METHOD FOR UPDATING MESSAGE TRUST STATUS	:	

This is a decision on the renewed petition pursuant to 37 C.F.R. § 1.137(b) to revive the above-identified application, filed on March 22, 2012.

This renewed petition is **GRANTED**.

The above-identified application became abandoned for failure to submit an Appeal Brief within two-months of the filing of a Notice of Appeal on February 17, 2011. No extensions of time pursuant to 37 C.F.R. § 1.136(a) were received. Accordingly, the above-identified application became abandoned on April 18, 2011. A Notice of Abandonment was mailed on November 1, 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.

37 C.F.R. § 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 C.F.R. § 1.137(b) was unintentional. Since the statements contained in both the original petition and this renewed petition vary from the language required by 37 C.F.R. § 1.137(b)(3), these statements are being construed as the statement required by 37 C.F.R. § 1.137(b)(3) and Petitioner must notify the Office if this is not a correct interpretation of the statements contained in these two petitions.

An original petition pursuant to 37 C.F.R. § 1.137(b) to revive the above-identified application was filed on December 23, 2011, along with the petition fee, a notice of appeal, a pre-appeal brief request for review, and the aforementioned statement that is being construed as the proper statement of unintentional delay. The original petition pursuant to 37 C.F.R. § 1.137(b) was dismissed via the mailing of a decision on January 24, 2012, which indicated requirements two and three of Rule 1.137(b) have been satisfied and the fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.[1]

With this renewed petition pursuant to 37 C.F.R. § 1.137(b), Petitioner filed a RCE along with the associated fee and an amendment.

The RCE has been accepted as the required reply under 37 C.F.R. § 1.137(b)(1). As such, each of the first three requirements of Rule 1.137(b) have been met.

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the submission under 37 C.F.R. § 1.114 - the amendment submitted on March 22, 2012- can be processed in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by the Technology Center in response to this

1 See Rule 1.137(d).

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

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).

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WESTMAN CHAMPLIN & KELLY, P.A.
SUITE 1400
900 SECOND AVENUE SOUTH
MINNEAPOLIS MN 55402

MAILED
JAN 26 2012
OFFICE OF PETITIONS

In re Application of
Maurilio Sampaio
Application No. 12/370,879
Filed: February 13, 2009
Attorney Docket No: S172.12-0001

DECISION ON PETITION
TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 11, 2012.

The request is **APPROVED**.

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

The request was signed by Chris J. Volkmann on behalf of all attorneys of record who are associated with Customer Number 27367.

All attorneys/agents associated with the Customer Number 27367 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

Currently, there is an outstanding Office action mailed October 7, 2011 that requires a reply.

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

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Maurilio Sampaio
R. Paulo Antonio Da Costa, 63 Centro
Paranavai, Parana Brazil 87707-470

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED

NOV 21 2011

OFFICE OF PETITIONS

In re Application of	:	
Masahiro Takada, et. al.	:	
Application No. 12/370,880	:	DECISION ON PETITION
Filed: February 13, 2009	:	
Attorney Docket No. MNL-2635-736	:	

This is a decision on the petition under 37 CFR 1.181 (no fee) filed October 12, 2011, requesting withdrawal of the holding of abandonment in the above-identified application.

This application was held abandoned for failure to file a timely response to the non-final Office action mailed on March 28, 2011. A Notice of Abandonment was mailed October 4, 2011.

Petitioner states that a reply was in fact timely filed with a three months extension of time on September 23, 2011. To support this assertion, petitioner has submitted a copy of a return postcard which acknowledges receipt by the U.S. Patent and Trademark Office (USPTO) on September 23, 2011 of, *inter alia,* "Amendment and Credit Card payment form in the amount of $1,110." A copy of the previously submitted reply accompanies the petition.

The petition is **GRANTED**.

MPEP 503 states that "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO." Accordingly, it is concluded that the response was timely received in the USPTO on September 23, 2011.

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

This application is being referred to Technology Center Art Unit 3729 for further processing in accordance with this decision.

Andrea Smith
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.
12/370,881	02/13/2009	Trevor Bryan HUSBAND	038871.61162US	6534

7590 09/22/2010
CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

EXAMINER
RIVELL, JOHN A

ART UNIT	PAPER NUMBER
3753	

MAIL DATE	DELIVERY MODE
09/22/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Nimi Farmer

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

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:	12/370,921	Filing date:	February 13, 2009
First Named Inventor:	Tao Xu		
Title of the Invention:	INKJET PRINTING OF TISSUES AND CELLS		

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

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

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

The corresponding PCT application number(s) is/are: PCT/US2009/000940

The international filing date of the corresponding PCT application(s) is/are: February 13, 2009

I. List of Required Documents:

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

- [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. 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.

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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

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

(continued)

Application No.:	12/370,921
First Named Inventor:	Tao Xu

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 August 6, 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 August 6, 2009

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	identical
2	2	identical
3	3	identical except for additional dependency in PCT
4	4	identical
5	5	identical
6	6	identical
7	7	identical except for additional dependencies in PCT
8	8	identical except for additional dependencies in PCT
9	9	identical except for additional dependencies in PCT
10	10	identical except for additional dependencies in PCT
51-52, 59-63	1	depend from and incorporate recitations of claim 1
53-55, 58	2	depend from and incorporate recitations of claim 2
56-57	6	depend from and incorporate recitations of claim 6
64-68	8	depend from and incorporate recitations of claim 8

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

Signature	Date July 14, 2011
Name (Print/Typed) Sherry L. Murphy	Registration Number 53,359

PCT/US2009/000940

PATENT COOPERATION TREATY

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION CONCERNING TRANSMITTAL OF COPY OF INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (CHAPTER I OF THE PATENT COOPERATION TREATY)
(PCT Rule 44bis.1(c))

To:

MYERS BIGEL SIBLEY & SAJOVEC, P.A.
P.O. Box 37428
Raleigh, North Carolina 27627
ETATS-UNIS D'AMERIQUE

Date of mailing *(day/month/year)* 26 August 2010 (26.08.2010)	
Applicant's or agent's file reference 9151.110.WO	IMPORTANT NOTICE

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/US2009/000940	13 February 2009 (13.02.2009)	14 February 2008 (14.02.2008)

Applicant
WAKE FOREST UNIVERSITY HEALTH SCIENCES et al

The International Bureau transmits herewith a copy of the international preliminary report on patentability (Chapter I of the Patent Cooperation Treaty)

DOCKETED
By VM
Date 8/27/10
ROUTE TO:
APD ☐
☐
☐
☐

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Athina Nickitas-Etienne e-mail: pt04.pct@wipo.int

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44*bis*)

Applicant's or agent's file reference 9151.110.WO	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/US2009/000940	International filing date *(day/month/year)* 13 February 2009 (13.02.2009)	Priority date *(day/month/year)* 14 February 2008 (14.02.2008)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant WAKE FOREST UNIVERSITY HEALTH SCIENCES		

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

2. This REPORT consists of a total of 10 sheets, including this cover sheet.

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

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

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

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

	Date of issuance of this report 17 August 2010 (17.08.2010)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Athina Nickitas-Etienne e-mail: pt04.pct@wipo.int

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43*bis*.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/US2009/000940	13.02.2009	14.02.2008

International Patent Classification (IPC) or both national classification and IPC
INV. D01D5/00 D01F6/62 A61F2/06 A61L27/38 B41J2/01

Applicant
WAKE FOREST UNIVERSITY HEALTH SCIENCES

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

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

2. **FURTHER ACTION**

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

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

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

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

Name and mailing address of the ISA:	Date of completion of this opinion	Authorized Officer
European Patent Office P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Fax: +31 70 340 - 3016	see form PCT/ISA/210	Fiocco, Marco Telephone No. +31 70 340-4538

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2009/000940

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

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

2. ☒ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))

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

   a. type of material:

   ☐ a sequence listing

   ☐ table(s) related to the sequence listing

   b. format of material:

   ☐ on paper

   ☐ in electronic form

   c. time of filing/furnishing:

   ☐ contained in the international application as filed.

   ☐ filed together with the international application in electronic form.

   ☐ furnished subsequently to this Authority for the purposes of search.

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

5. Additional comments:

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

☐ the entire international application

☒ claims Nos. 30-50

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international search *(specify)*:

☐ the description, claims or drawings *(indicate particular elements below)* or said claims Nos. are so unclear that no meaningful opinion could be formed *(specify)*:

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed *(specify)*:

☒ no international search report has been established for the whole application or for said claims Nos. 30-50

☐ a meaningful opinion could not be formed without the sequence listing; the applicant did not, within the prescribed time limit:

- ☐ furnish a sequence listing on paper complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Searching Authority in a form and manner acceptable to it.
- ☐ furnish a sequence listing in electronic form complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Searching Authority in a form and manner acceptable to it.
- ☐ pay the required late furnishing fee for the furnishing of a sequence listing in response to an invitation under Rules 13*ter*.1(a) or (b).

☐ a meaningful opinion could not be formed without the tables related to the sequence listings; the applicant did not, within the prescribed time limit, furnish such tables in electronic form complying with the technical requirements provided for in Annex C-*bis* of the Administrative Instructions, and such tables were not available to the International Searching Authority in a form and manner acceptable to it.

☐ the tables related to the nucleotide and/or amino acid sequence listing, if in electronic form only, do not comply with the technical requirements provided for in Annex C-*bis* of the Administrative Instructions.

☐ See Supplemental Box for further details

Box No. IV Lack of unity of invention

1. ☒ In response to the invitation (Form PCT/ISA/206) to pay additional fees, the applicant has, within the applicable time limit:

   ☐ paid additional fees

   ☐ paid additional fees under protest and, where applicable, the protest fee

   ☐ paid additional fees under protest but the applicable protest fee was not paid

   ☒ not paid additional fees

2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.

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

   ☐ complied with

   ☒ not complied with for the following reasons:

   see separate sheet

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

   ☐ all parts.

   ☒ the parts relating to claims Nos. 1-29

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

1. Statement

Novelty (N)	Yes:	Claims	1-29
	No:	Claims	
Inventive step (IS)	Yes:	Claims	1-10
	No:	Claims	11-29
Industrial applicability (IA)	Yes:	Claims	1-29
	No:	Claims	

2. Citations and explanations

   see separate sheet

Box No. VI Certain documents cited

1. Certain published documents (Rules 43*bis*.1 and 70.10)

   and / or

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

   see form 210

Box No. VIII Certain observations on the international application

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

see separate sheet

Re Item IV

Lack of unity of invention

This Authority considers that there are two inventions covered by the claims indicated as follows:

I: Claims 1-29 directed to an apparatus for printing cells, a method for making a biodegradable scaffold, a biodegradable scaffold and its use.

II: Claims 30-50 directed to a method of forming microparticles or arrays of microparticles.

The reasons for which the inventions are not so linked as to form a single general inventive concept, as required by Rule 13.1 PCT, are as follows:

The closest prior art has been identified as WO 2004/108418 (hereinafter D1). It discloses (cf. **examples** and **claims**) a method and apparatus for printing cells onto a substrate, which can be a biodegradable scaffold, the use of said scaffold, and a method for forming arrays of cells.

The subject-matter of independent claims 1 and 11 (invention I) differs from the apparatus, resp. method, of D1 in that the apparatus further comprises an electrospinning device operatively associated with the ink-jet printing device. This can be identified as the special technical feature of invention I (cf. Rule 13.2 PCT).

The subject-matter of independent claims 30 and 41 (invention II) differs from the method of D1 in that microparticles are formed. This can be identified as the special technical feature of invention II (cf. Rule 13.2 PCT).

It follows that the special technical feature of invention I is not the same as the special technical feature of invention II. Also, examining the possible correspondence by technical effect, no corresponding technical effect can be seen between the special technical feature of invention I and special technical feature of invention II.

In conclusion, the claims are not linked by common or corresponding special technical features and define two different inventions not linked by a single general inventive concept. The application, hence does not meet the requirements of unity of invention as defined in Rules 13.1 and 13.2 PCT. Consequently, neither the objective problem underlying the subjects of the claimed inventions, nor their solutions defined by the special technical features allow for a relationship to be established between the said inventions, which involves a single general inventive concept.

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1 For the assessment of the present claim 28 on the question whether it is patentable, no unified criteria exist in the PCT Contracting States. The patentability can also be dependent upon the formulation of the claims. The EPO, for example, does not recognize as patentable the subject- matter of claims to the use of a compound in medical treatment, but may allow, however, claims to a product, in particular substances or compositions for use in a first or further medical treatment. The examination with regard to novelty and inventive step of present claim 28 has been made assuming that claim 28 would be reformulated according to EPO practice when entering into the regional phase.

2 Reference is made to the following documents:

D1 WO 2004/108418 A1 (UNIV CLEMSON) 16 December 2004 (2004-12-16)

D2 WO 2007/024125 A1 (UNIV EWHA IND COLLABORATION) 1 March 2007 (2007-03-01)

D3 WO 2007/120840 A2 (UNIV WAKE FOREST HEALTH) 25 October 2007 (2007-10-25)

3 The present application does not meet the criteria of Article 33(1) PCT, because the subject - matter of claims 11-29 does not involve an inventive step in the sense of Article 33(3) PCT.

The document **D1** is regarded as being the closest prior art to the subject - matter of independent claim 11, and discloses (cf. **page 12, lines 1-4** and **examples**) a method of making a scaffold having cells seeded therein by printing viable cells on said scaffold.

The subject - matter of claim 11 therefore differs from this known method in that the scaffold is a biodegradable scaffold made by electrospinning.

The problem to be solved by the present invention may therefore be regarded as to provide a method of making a scaffold having cells seeded therein, in which the scaffold is biodegradable.

The solution proposed in claim 11 of the present application cannot be considered as involving an inventive step (Article 33 (3) PCT) for the following reasons: it is well known to a person skilled in the art to prepare biodegradable scaffold by means of the electrospinning technique, see e.g. document **D2, claims**. It would be obvious to the person skilled in the art, namely when the same result is to be achieved, to combine the teachings of D1 and D2, thereby arriving at the subject-matter of present claim 11.

3.1 The same reasoning applies, mutatis mutandis, to the subject - matter of the corresponding independent claim 27, which therefore is also considered not inventive.

3.2 Dependent claims 12-26 and 28-29 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step.

4 The document **D1** is regarded as being the closest prior art to the subject - matter of claim 1, and shows (cf. **claims 68-74** and **figures 1-4**) an apparatus for printing cells comprising an ink-jet printing device.

The subject - matter of claim 1 differs from this known apparatus in that it further comprises an electrospinning device operatively associated with said ink-jet printing device. The subject - matter of claim 1 is therefore new (Article 33(2) PCT).

The problem to be solved by the present invention may be regarded as to provide an apparatus for the production of a scaffold having cells seeded therein.

The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons: although it would be obvious to print cells onto a previously prepared electrospun scaffold (see section 3 above), there is no incentive in the prior art that suggests to combine an electrospinning device with an ink-jet printing device. These devices are usually considered to be <u>alternative</u> devices for the production of scaffolds (cf. **D3, page 2, lines 1-2**); it would not be obvious for a skilled person to combine them in the manner recited in present claim 1.

4.1 Claims 2-10 are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty and inventive step.

Re Item VI

Certain documents cited

5 The search has revealed the following document:

Application No	Publication date *(day/month/year)*	Filing date *(day/month/year)*	Priority date *(valid claim)* *(day/month/year)*
WO 2009/051701	23/04/2009	14/10/2008	15/10/2007

Re Item VIII

Certain observations on the international application

6 Claims 20-22 do not meet the requirements of Article 6 PCT in that the matter for which protection is sought is not clearly defined. The claims attempt to define the subject-matter in terms of the result to be achieved, which merely amounts to a statement of the underlying problem, without providing the technical features necessary for achieving this result.

THAT WHICH IS CLAIMED IS:

1. An apparatus for printing cells comprising:

(a) an electrospinning device, said electrospinning device comprising a high voltage power supply; and

(b) an inkjet printing device operatively associated with said electrospinning device.

2. The apparatus of claim 1, further comprising:

(c) a three dimensional plotter operatively connected with said inkjet printing device; and

(d) a controller operatively connected with said inkjet printing device.

3. The apparatus of claim 1 or claim 2, wherein said high voltage supply is conductively isolated from said controller and/or said plotter.

4. The apparatus of claim 2, wherein said high voltage supply is conductively isolated from said controller.

5. The apparatus of claim 2, wherein said high voltage supply is conductively isolated from said controller and/or said plotter by connection through a fiber optics communication.

6. The apparatus of claim 2, wherein said high voltage supply is conductively isolated from said controller and/or said plotter by connection through a wireless communication.

7. The apparatus of any of claims 1-6, wherein said inkjet printing device comprises at least one inkjet printer cartridge.

8. The apparatus of any of claims 1-6, wherein said inkjet printing device further comprises a composition to be printed in said printer cartridge, said composition comprising cells.

9. The apparatus of any of claims 1-8, wherein said inkjet printing device is selected from the group consisting of thermal inkjet printers and piezoelectric inkjet printers.

10. The apparatus of any of claims 1-8, wherein said inkjet printing device comprises at least one inkjet cartridge, and wherein said inkjet cartridge is selected from the group consisting of a thermal inkjet printer cartridge and a piezoelectric inkjet printer cartridges.

11. A method of making a biodegradable scaffold having cells seeded therein, comprising:

(a) forming a biodegradable substrate by electrospinning; and then

(b) printing viable cells on said substrate, to make said biodegradable scaffold.

12. The method of claim 11, wherein the forming step and the printing step are each performed two or more times in sequence to make a biodegradable scaffold having multiple layers.

13. The method of claim 11 or claim 12, wherein said cells are provided in a liquid carrier.

14. The method of claim 13, wherein said liquid carrier comprises collagen and/or elastin.

15. The method of claim 13 or claim 14, wherein said liquid carrier comprises a hydrogel.

16. The method of any of claims 13-15, wherein said liquid carrier comprises at least one support compound.

17. The method of any of claims 11-16, wherein said substrate comprises a synthetic polymer selected from the group consisting of polycaprolactone (PCL), poly($_{D,L}$-lactide-*co*-glycolide) (PLGA), polylactide (PLA), poly(lactide-*co*-caprolactone) (PLCL), and combinations thereof.

18. The method of any of claims 11-17, wherein said cells are stem cells.

19. The method of any of claims 11-17, wherein said cells are selected from the group consisting of cartilage cells, bone cells, muscle cells and skin cells.

20. The method of any of claims 11-19, wherein at least 50% of the cells by number are viable 24 hours after said printing step.

21. The method of any of claims 11-19, wherein at least 75% of the cells by number are viable 24 hours after said printing step.

22. The method of any of claims 11-19, wherein at least 90% of the cells by number are viable 24 hours after said printing step.

23. The method of any of claims 11-22, wherein said inkjet printing device is selected from the group consisting of thermal inkjet printers and piezoelectric inkjet printers.

24. The method of any of claims 11-22, wherein said inkjet printing device comprises at least one inkjet cartridge, and wherein said inkjet cartridge is selected from the group consisting of thermal inkjet printer cartridges and piezoelectric inkjet printer cartridges.

25. The method of any of claims 11-22, further comprising the step of loading a composition to be printed into said printer cartridge prior to the step of printing, said composition comprising cells and a liquid carrier.

26. The method of any of claims 11-26, wherein said forming step and said printing step is carrier out by electrospinning and printing into a media.

27. A biocompatible scaffold produced by the method of any of claims 11-26.

28. A method of treating a subject in need thereof comprising implanting the biodegradable scaffold of claim 27 into said subject.

29. The use of the biodegradable scaffold of claim 27 for the preparation of a medicament for the treatment of a tissue injury or disease.

30. A method of forming microparticles comprising one or more cells encapsulated by a substrate comprising printing a composition comprising said cells and said substrate to thereby form said microparticles.

31. The method of claim 30, wherein said substrate comprises alginate.

32. The method of claim 30 or claim 31, wherein said microparticles have an average diameter of from 5 to 50 micrometers.

33. The method of any of claims 30-32, wherein greater than 50% of said microparticles formed contain a single cell encapsulated by said substrate.

34. The method of any of claims 30-33, wherein said cells is selected from the group consisting of: pancreas cells, kidney cells, liver cells and nerve cells.

35. The method of any of claims 30-33, wherein said cells are pancreatic islet cells.

36. The method of any of claims 30-33, wherein said cells secrete insulin.

37. The method of any of claims 30-36, further comprising the steps of:

providing an inkjet printing device, said device comprising at least one inkjet printer cartridge; and

loading a composition comprising said cells and said substrate into said printer cartridge, prior to said printing step.

38. The method of claim 37, wherein said cells are at a concentration of between 10^5 and 10^7 cells per milliliter of said composition.

39. The method of claim 37 or claim 38, wherein said substrate is alginate and said composition comprises between 0.5 and 2% w/v of said substrate.

40. The method of any of claims 30-39, wherein more than 80% of said cells by number are viable 24 hours after printing.

41. A method of forming an array of microparticles comprising one or more cells encapsulated by a substrate comprising the steps of:

providing an inkjet printing device, said device comprising at least one inkjet printer cartridge;

loading a composition comprising said cells and said substrate into said printer cartridge; and

printing said composition in an organized pattern, to thereby form said array of microparticles.

42. The method of claim 41, wherein said microparticles have an average diameter of from 5 to 50 micrometers.

43. The method of claim 41 or claim 42, wherein greater than 50% of said microparticles contain a single cell encapsulated by said substrate.

44. The method of any of claims 41-43, wherein said cells is selected from the group consisting of pancreas cells, kidney cells, liver cells and nerve cells.

45. The method of any of claims 41-44, wherein said cells are pancreatic islet cells.

46. The method of any of claims 41-45, wherein said cells secrete insulin.

47. The method of any of claims 41-46, wherein said substrate comprises alginate.

48. The method of any of claims 41-47, wherein said cells of said loading step are provided at a concentration of between 10^5 and 10^7 cells per milliliter of said composition.

49. The method any of claims 41-48, wherein said substrate is alginate and said composition of said loading step comprises between 0.5 and 2% w/v alginate.

50. The method of any of claims 41-49, wherein more than 80% of said cells by number are viable 24 hours after printing.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : February 13, 2012

In re Application of :

Doris BLAKE

Application No : 12370964

Filed : 13-Feb-2009

Attorney Docket No : 33939/20

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR§ 1.36(b), filed February 13, 2012

The request is **APPROVED**

The request was signed by R. Whitney Johnson (registration no. 62997) on behalf of all attorneys/agents associated with Customer Number 32642 . All attorneys/agents associated with Customer Number 32642 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with Customer number 102983 .

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	12370964
Filing Date	13-Feb-2009
First Named Inventor	Doris BLAKE
Art Unit	3775
Examiner Name	SAMUEL HANNA
Attorney Docket Number	33939/20
Title	Micro-Flail Assembly And Method Of Use For The Preparation Of A Nucleus/Vertebral End Cap Of A Spine

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 32642

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 address of the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, associated with Customer Number: 102983

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/R. Whitney Johnson/
Name	R. Whitney Johnson
Registration Number	62997

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : February 13, 2012

In re Application of :

John Sledge

Application No : 12371008

Filed : 13-Feb-2009

Attorney Docket No : 33939/12

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR§ 1.36(b), filed February 13, 2012

The request is **APPROVED**

The request was signed by R. Whitney Johnson (registration no. 62997) on behalf of all attorneys/agents associated with Customer Number 32642 . All attorneys/agents associated with Customer Number 32642 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with Customer number 102983 .

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	12371008
Filing Date	13-Feb-2009
First Named Inventor	John Sledge
Art Unit	3738
Examiner Name	REBECCA STRASZHEIM
Attorney Docket Number	33939/12
Title	ANTERIOR LUMBAR INTERBODY FUSION CAGE DEVICE AND ASSOCIATED METHOD

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 32642

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 address of the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, associated with Customer Number: 102983

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/R. Whitney Johnson/
Name	R. Whitney Johnson
Registration Number	62997

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/371,022	02/13/2009	Hideyuki TAKAHASHI	SUYE-0021	6785

7590 01/11/2011
Rossi, Kimms & McDowell LLP
20609 Gordon Park Square
Suite 150
Ashburn, VA 20147

EXAMINER
TRAN, BINH Q

ART UNIT	PAPER NUMBER
3748	

NOTIFICATION DATE	DELIVERY MODE
01/11/2011	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Mimi Farmer

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK 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.
12/371,042	02/13/2009	William Patrick WEAVER	8215-000042	6827

27572 7590 08/12/2010
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER

ART UNIT	PAPER NUMBER
1797	

MAIL DATE	DELIVERY MODE
08/12/2010	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS MI 48303

AUG 12 2010

In re Application of	:	
William Weaver et al.	:	DECISION ON PETITION
Application No. 12/371,042	:	TO MAKE SPECIAL UNDER
Filed: February 13, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 8215-000042	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed July 28, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **GRANTED**.

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

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

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

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

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

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

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : October 28, 2011

TO SPE OF : ART UNIT 3679

SUBJECT : Request for Certificate of Correction for Appl. No.: 12371074 Patent No.: 8012030

CofC mailroom date: 10-18-11

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Note: _____

_____

Magdalene Talley
Certificates of Correction Branch

571-272-0423 _____

Thank You For Your Assistance

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

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

Comments: Denied. Patent claim 5 is original claim 6 & that claim depended from claim 3. Further, it appears that the current dependency is appropriate and proper and not a typographical error as alleged. The desired change affects the scope of the claim and would result in the claim being an improper dependent claim because it would no longer depend from a preceding claim. Thus, the desired change is also not of minor character. Since the scope of the claim would be affected, it would appear that this mistake must be corrected via the reissue practice.

/Daniel P. Stodola/ — **SPE**

3679 — **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

Leydig, Voit & Mayer, Ltd
(for Huawei Technologies Co., Ltd)
Two Prudential Plaza Suite 4900
180 North Stetson Avenue
Chicago IL 60601

MAILED

AUG 20 2010

OFFICE OF PETITIONS

In re Application of :
Wu, et al. :
Application No. 12/371,078 : DECISION ON PETITION
Filed: February 13, 2009 : TO MAKE SPECIAL UNDER
Attorney Docket No. HW704468 : 37 CFR 1.102
:

This is a decision on the petition under 37 CFR 1.102 filed July 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).

Any request for reconsideration of this decision should include a cover letter entitled "Renewed Petition under 37 CFR 1.102." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The petition is DISMISSED.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 62285 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, in which the applicant has established small entity status under 37 CFR 1.27;

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

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

(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 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

b) 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.

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

The petition lacks item(s) (1) and (4) above.

As to item (1), a review of the record did not reveal that applicant has established small entity status under 37 CFR 1.27 in the above-identified application for which special status is sought under 37 CFR 1.102. Such is a requirement for a successful petition under 37 CFR 1.102 to make this application special under the Patent Application Backlog Reduction Stimulus Plan. If appropriate, applicant may establish small entity status under 37 CFR 1.27 in the above-identified application and file a renewed petition under 37 CFR 1.102 to make this application special under the Patent Application Backlog Reduction Stimulus Plan.

As to item (4), a review of the record of the subject application and application serial number 12/436,474 reveals that no statement accompanied the petition or letter of express abandonment indicating 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. The renewed petition must be accompanied by this statement.

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

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

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

By FAX: (571) 273-8300

Telephone inquiries concerning this decision should be directed to Kenya A. McLaughlin, Petitions Attorney, at 571-272-3222.

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 2473 for action in its regular turn.

Chris Bottorff
Supervisor
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

Leydig, Voit & Mayer, Ltd
(for Huawei Technologies Co., Ltd)
Two Prudential Plaza Suite 4900
180 North Stetson Avenue
Chicago IL 60601

MAILED

SEP 30 2010

OFFICE OF PETITIONS

In re Application of :
Wu, et al. :
Application No. 12/371,078 :
Filed: February 13, 2009 :
Attorney Docket No. **HW704468** :

DECISION ON PETITION
TO MAKE SPECIAL
37 CFR 1.102

This is a decision on the petition under 37 CFR 1.102, filed September 9, 2010, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009) and 75 Federal register Notice 36063 (June 24, 2010).

The petition is **DISMISSED**.

Any request for reconsideration of this decision should include a cover letter entitled "Renewed Petition under 37 CFR 1.102." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The petition lacks Item 4a-c above.

More specifically, the letter of express abandonment filed in Application No. 12/436,474, does not include the required statements directed thereto that the applicant (a) has not and will not file a new application that claims the same invention claimed in the expressly abandoned application, (b) has not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United States Code, and (c) agrees not to request a refund of any fees paid in the expressly abandoned application. Rather, the statements are made in the petition, which is referenced in the letter of express abandonment. These statements must be made in the letter of express abandonment. As such, the present petition to make special must be dismissed.

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

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

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

By FAX: (571) 273-8300

Telephone inquires concerning this decision should be directed to Kenya A. McLaughlin, Petitions Attorney, at 571-272-3222.

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

The application is being forwarded to the Technology Center Art Unit 2473 for action in its regular turn.

Chris Bottorff
Supervisor
Office of Petitions

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application No. 12/371,078

Confirmation No. 6899

Applicant: WU et al.

Filed: February 13, 2009

TC/AU: 2473

Examiner: Not yet assigned

Docket No.: HW704468

Customer No.: 77399

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

SECOND RENEWED PETITION FOR SPECIAL STATUS UNDER 37 C.F.R. §1.102 FILED IN CONNECTION WITH A LETTER OF EXPRESS ABANDONMENT UNDER 37 C.F.R. §1.138(A) AS REQUIRED UNDER THE BACKLOG REDUCTION STIMULUS PLAN

Sir:

In reply to the dismissed Decision on Renewed Petition issued by the Office of Petitions on September 30, 2010, it is now believed that applicants have satisfied the conditions that were previously deemed unsatisfied.

Conditions 4(a)-(c) of the Decision on Petition alleges that the applicant failed to include "the required statements directed thereto…in the expressly abandoned application." Per a discussion with Chris Bottoroff, Supervisor in the Office of Petitions, applicants have filed a Supplemental Express Abandonment Statement in U.S. Patent Application No. 12/436,474 on October 8, 2010, a copy of which is included herewith, therein stating affirmatively that the applicants (a) have not and will not file a new application that claims the same invention claimed in the expressly abandoned application, (b) have 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) agree not to request a refund of any fees paid in the expressly abandoned application.

In view of the satisfaction of conditions 4(a)-(c) of the Decision on Petition to Make Special, Applicants respectfully request the Office of Petitions withdraw the dismissal of the Decision and issue a granted Decision on Petition to Make Special.

If any fees are owed in connection with this communication, please charge Deposit Account No. 12-1216.

Respectfully submitted,

John B. Conklin, Reg. No. 30,369
LEYDIG, VOIT & MAYER, LTD.
Two Prudential Plaza, Suite 4900
180 North Stetson Avenue
Chicago, Illinois 60601-6731
(312) 616-5600 (telephone)
(312) 616-5700 (facsimile)

Date: October 21, 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Leydig, Voit & Mayer, Ltd
(for Huawei Technologies Co., Ltd)
Two Prudential Plaza Suite 4900
180 North Stetson Avenue
Chicago IL 60601

MAILED

DEC 21 2010

OFFICE OF PETITIONS

In re Application of	:	
WU, et al.	:	DECISION ON
Application No. 12/371,078	:	RENEWED PETITION
Filed: February 13, 2009	:	TO MAKE SPECIAL
Attorney Docket No. **HW704468**	:	37 CFR 1.102

This is a decision on the renewed petition under 37 CFR 1.102, filed October 21, 2010, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009) and 75 Federal register Notice 36063 (June 24, 2010).

The renewed petition is **GRANTED**.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Brian W. Brown
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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WADDEY & PATTERSON, P.C.
1600 DIVISION STREET, SUITE 500
NASHVILLE, TN 37203

MAILED

JAN 06 2011

OFFICE OF PETITIONS

In re Application of :
Dattatreya Banavara, et al. :
Application No. 12/371,100 : ON PETITION
Filed: February 13, 2009 :
Attorney Docket No.: MJE00256NP :

This is a decision in response to the petition, filed November 11, 2010, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Restriction Requirement mailed April 30, 2010, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on May 31, 2010. A Notice of Abandonment was subsequently mailed on November 10, 2010. On November 11, 2010, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the response in the form of an election of the invention to be examined; (2) the petition fee of $1,620; and (3) an adequate statement of unintentional delay.

The application is being referred to Technology Center AU 1647 for appropriate action by the Examiner in the normal course of business on the reply received November 11, 2010.

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.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/371,223	02/13/2009	Timothy J. Wessels	090402-9717-00	7192

7590 10/08/2010
MICHAEL BEST & FRIEDRICH LLP
100 E WISCONSIN AVENUE
Suite 3300
MILWAUKEE, WI 53202

EXAMINER
HICKS, ROBERT J

ART UNIT	PAPER NUMBER
3781	

MAIL DATE	DELIVERY MODE
10/08/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

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

LANDO & ANASTASI, LLP
A2000
One Main Street, Suite 1100
Cambridge MA 02142

MAILED
FEB 14 2012
OFFICE OF PETITIONS

In re Application of	:
Dalgas, et al.	:
Application No. 12/371,355	: ON PETITION
Filed: February 13, 2009	:
Attorney Docket No. A2000-721819(APC-0216)	:

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 25, 2012, to revive the above-identified application.

The petition is GRANTED.

The application became abandoned January 12, 2012 for failure to timely submit a proper reply in response to the final Office action mailed July 11, 2011. This decision precedes Notice of Abandonment.

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

This application is being referred to Technology Center AU 2454 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

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

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK 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.
12/371,490	02/13/2009	Peter Meier	1154-P0005	7718

36067 7590 12/29/2010
ARC PATENTS
7910 IVANHOE AVE. #325
LA JOLLA, CA 92037

EXAMINER
BANKS HAROLD, MARSHA DENISE

ART UNIT	PAPER NUMBER
2482	

NOTIFICATION DATE	DELIVERY MODE
12/29/2010	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):

joe@arciplaw.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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DEC 28 2010

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

ARC PATENTS
7910 IVANHOE AVE. #325
LA JOLLA, CA 92037

In Re Application of
MEIER, PETER, et al.
Application Serial No. 12/371,490
Filed: February 13 2009
For: **METHODS AND SYSTEMS FOR DETERMINING THE POSE OF A CAMERA WITH RESPECT TO AT LEAST ONE OBJECT OF A REAL ENVIRONMENT**

DECISION ON PETITION TO ACCEPT COLOR PHOTOGRAPHS

This is a decision on the petition under 37 C.F.R. § 1.84(a)(2), filed April 15, 2009, requesting acceptance of color photographs.

The petition requests that the color photographs, noted as figures 9-12 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 met the requirements set forth above. Accordingly, the petition is **Granted**.

/Mehrdad Dastouri/

Mehrdad Dastouri
Quality Assurance Specialist
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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SYNTHETIC GENOMICS
C/O MOFO
12531 HIGH BLUFF DRIVE,
SUITE 100
SAN DIEGO, CA 92130

MAILED

OCT 12 2010

OFFICE OF PETITIONS

In re Application of
Daniel G. GIBSON, et al
Application No. 12/371,543
Filed: February 13, 2009
Attorney Docket No. 616872001400

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

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

The request is **NOT APPROVED because it is moot.**

A review of the file record indicates that the power of attorney to Kate H. Murashige and the attorneys associated with Customer No. 84470, has been revoked by the assignee of the patent application on September 30, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Cc: J. CRAIG VENTER INSTITUTE, INC.
9704 MEDICAL CENTER DRIVE
ROCKVILLE, MD 20850

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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KYOCERA INTERNATIONAL INC.
INTELLECTUAL PROPERY DEPARTMENT
P.O. BOX 928289
SAN DIEGO CA 92192

MAILED
JUL 27 2011
OFFICE OF PETITIONS

In re Application of
David K.J. Kim
Application No. 12/371,549 : DECISION ON PETITION
Filed: February 13, 2009 : UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. UTL 00859 :

This is a decision on the petition under 37 CFR 1.78(a)(6), filed July 8, 2011 to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of the prior-filed provisional application, as set forth in an Amendment previously filed on April 13, 2010.

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 Commissioner may require additional information where there is a question whether the delay was unintentional.

This petition lacks item (1).

The amendment is not acceptable as drafted since it improperly incorporates by reference the prior-filed application. Petitioner's attention is directed to Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980), where the court drew a distinction between a permissible 35 U.S.C. § 120 statement and the impermissible introduction of new matter by way of incorporation by reference in a 35 U.S.C. § 120 statement. The court specifically stated:

> Section 120 merely provides a mechanism whereby an application becomes entitled to benefit of the filing date of an earlier application disclosing the same subject matter. Common subject matter must be disclosed, in both applications, either specifically or by an express

> incorporation-by-reference of prior disclosed subject matter. Nothing in section 120 itself operates to carry forward any disclosure from an earlier application. In re deSeversky, supra at 674, 177 USPQ at 146-147. Section 120 contains no magical disclosure-augmenting powers able to pierce new matter barriers. It cannot, therefore, "limit" the absolute and express prohibition against new matter contained in section 251.

In order for the incorporation by reference statement to be effective as a proper safeguard against the omission of a portion of a prior application, the incorporation by reference statement must be included in the specification-as-filed, or in an amendment specifically referred to in an oath or declaration executing the application. *See* In re deSeversky, *supra*. *Note also* MPEP 201.06(c).

Accordingly, before the petition under 37 CFR 1.78(a)(6) can be granted, a substitute amendment[1] deleting the incorporation by reference statement, along with a renewed petition under 37 CFR 1.78(a)(6), is required. No further petition fee is necessary.

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 Window located at:

U.S. Patent and Trademark Office
Customer Service Window Randolph Building
401 Dulany Street
Alexandria, VA 22314

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

Any questions concerning this matter may be directed to Joan Olszewski at (571) 272-7751.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

[1] *Note* 37 CFR 1.121

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KYOCERA INTERNATIONAL INC.
INTELLECTUAL PROPERY DEPARTMENT
P.O. BOX 928289
SAN DIEGO CA 92192

MAILED

OCT 13 2011

OFFICE OF PETITIONS

In re Application of	:	
David K. J. Kim	:	
Application No. 12/371,549	:	DECISION GRANTING PETITION
Filed: March 24, 2009	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 00.22C1	:	

This is a decision on the renewed petition under 37 CFR 1.78(a)(6), filed September 22, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit to a prior-filed provisional application, as set forth in the amendment filed concurrently with the instant petition.

The petition is **GRANTED**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

> **(1)** the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
> **(2)** the surcharge set forth in § 1.17(t); and
> **(3)** a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The instant nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed provisional application is submitted after expiration of the period specified by 37 CFR 1.78(a)(5)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(6).

The instant nonprovisional application was pending at the time of filing of the reference to the prior-filed provisional application as required by 37 1.78(a)(5)(iii).

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(6) in that (1) a reference to the prior-filed provisional application has been included in an amendment, 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 instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 119(e) to the prior-filed provisional application satisfies the conditions of 37 CFR 1.78(a)(6), the petition is granted.

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

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

Any inquiries concerning this decision may be directed to Joan Olszewski at (571) 272-7751. Any 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 3677 for appropriate action on the Amendment submitted September 22, 2011, including consideration by the examiner of the claim under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(5) for the benefit of the prior-filed provisional application.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/371,549	02/13/2009	3677	1090	UTL 00859	20	3

CONFIRMATION NO. 7830

CORRECTED FILING RECEIPT

32968
KYOCERA INTERNATIONAL INC.
INTELLECTUAL PROPERY DEPARTMENT
P.O. BOX 928289
SAN DIEGO, CA 92192

OC000000050295428

Date Mailed: 10/12/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

David K.J. KIM, Mission Viejo, CA;

Power of Attorney: The patent practitioners associated with Customer Number 32968

Domestic Priority data as claimed by applicant

This appln claims benefit of 61/032,886 02/29/2008

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

If Required, Foreign Filing License Granted: 02/24/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/371,549**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

ROUTING FLEXIBLE PRINTED CIRCUIT BOARD THROUGH HINGE OF ELECTRONIC DEVICE

Preliminary Class

016

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

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

NOT GRANTED

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

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

PTO/SB/420 (03-11)

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 224025	Application Number (if known): 12/371,571	Filing date: 02-13-2009

First Named Inventor: Jonathan D. Nelson

Title: HEAT PUMP WATER HEATER CONTROL

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

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

1. By filing this petition:

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

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

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

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

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

6. Other attachments: Statement Concerning the Basis for the Special Status

Signature /Allison W. Mages/	Date May 31, 2011
Name (Print/Typed) Allison W. Mages	Registration Number 57,275

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.

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Jonathan E. Nelson	)
Confirmation No.: 7877	)
	)
Serial No.: 12/371,571	)
	)
Filing Date: 02-13-2009	)
	)
Atty Docket No.: 224025	)

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

Statement Concerning the Basis for the Special Status

SIR:

Applicant respectfully submits that Special Status is sought on the basis that the present invention materially contributes to energy conservation.

The undersigned attorney may be contacted at the number below to facilitate the resolution of any matters. Please charge any fees that are incurred in connection with this Statement to deposit account no. 09-0470.

Respectfully submitted,

General Electric Company

By : /Allison W. Mages/
Allison W. Mages
Reg. No. 57,275

GE Global Patent Operation
2 Corporate Drive, Suite 648
Shelton, CT 06484
203-944-6730

UNITED STATES PATENT AND TRADEMARK 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.
12/371,571	02/13/2009	Jonathan D. Nelson	60280.0003US01/GE224025	7877

67866 7590 07/08/2011
MERCHANT & GOULD GE CONSUMER & INDUSTRIAL
P.O. BOX 2903
MINNEAPOLIS, MN 55402

EXAMINER
WARD, THOMAS JOHN

ART UNIT	PAPER NUMBER
3742	

MAIL DATE	DELIVERY MODE
07/08/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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MERCHANT & GOULD GE CONSUMER & INDUSTRIAL
P.O. BOX 2903
MINNEAPOLIS MN 55402

In re Application of	:	
NELSON, JONATHAN D.	:	DECISION ON PETITION
Application No. 12/371571	:	TO MAKE SPECIAL UNDER
Filed: February 13, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 60280.0003US01/GE224025	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed June 6, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **dismissed**.

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.

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

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

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

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

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. Petitioner indicates that the basis for Special Status is that the claimed invention contributes to energy conservation. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard. It is not clear how the claimed system for controlling a heat pump water heater contributes to energy conservation. The claims have nothing to do with the green technologies.

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

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

This application is currently docketed and ready for examination. The application will be forwarded to the Technology Center Art Unit 4189 for action in its regular turn.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center TC 3700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Jonathan D. NELSON	)
Confirmation No.: 7877	)
	)
Serial No.: 12/371,571	)
	)
Filing Date: 02-13-2009	)
	)
Atty Docket No.: 224025-1 (60280.0003US01)	)

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

Request for Reconsideration

SIR:

This is responsive to the Decision on Petition, dated as mailed 8 July 2011, in the above-referenced application.

Applicant respectfully requests reconsideration of Applicant's Petition to Make Special on the basis that the present invention materially contributes to energy conservation.

The Decision to Make Special Under the Green Technology Pilot Program (hereinafter "the Decision") alleges that it is not clear how the claimed system for controlling a heat pump water heater contributes to energy conservation. The Decision states that the claims have nothing to do with the green technologies. Applicant does not agree with the comments made in the Decision.

Applicant respectfully submits that embodiments of the present invention relate to appliances. More specifically, embodiments of the present invention relates to systems and methods for controlling heat pump water heaters. (see at least paragraph [0002]).

Currently, consumers have to bear a higher energy cost when using standard water heating methods (e.g. natural gas or only electric heaters). Current heat pump water heaters do not allow for mode programming. In addition, current heat pump water heaters do not have built in diagnostic features. Furthermore, current heat pump water heaters do not allow for automatic adjustment of the heat pump water heater depending on environmental conditions. (see at least paragraph [0003]).

Systems for controlling a heat pump water heater are disclosed. The systems may include an interface for accepting a user input. The interface may be configured to indicate a HPWH mode of operation, and indicate at least one error condition when an error condition exists. The systems may further include temperature sensors configured to detect water temperature of the water in a storage tank. A controller coupled to the interface may be included for interpreting the user input and water temperature to control operation of the HPWH based on the mode of operation. (see at least paragraph [0005]).

Methods for controlling a heat pump water heater are also disclosed. The methods may include 1) receiving a user input, 2) receiving a first temperature indication, and 3) interpreting a first temperature indication to activate or deactivate a sealed system (e.g. a heat pump) and activate or deactivate the at least one electric resistance heater based upon a mode of operation. (see at least paragraph [0006]).

Upper and lower electric heating elements may be provided to heat the water in the tank in addition to the sealed system. Heating elements may be

selectively used to supplement the sealed system depending on the operating needs of the system, such as for example when environmental conditions are not conducive to efficient heat pump operation, or when demand requires heating the water more rapidly than can be efficiently accomplished by use of the heat pump sealed system alone. (see at least paragraph [0019]).

The controller may also track water usage patterns. By tracking water usage pattern, the heat pump water heater may automatically adjust operating modes or set point temperatures or both during certain periods to accommodate predicted demands. By tracking water usage, the heat pump water heater may be able to supply hot water more efficiently and more cost effectively. (see at least paragraph [0026]).

The embodiments described herein disclose systems and methods for controlling a heat pump water heater that supplies hot water more efficiently and more cost effectively. As such, the present invention reduces the energy required to heat water in a heat pump water heater system, which effectively promotes the conservation of energy.

The undersigned attorney may be contacted at the number below to facilitate the resolution of any matters. Please charge any fees that are incurred in connection with this Statement to deposit account no. 09-0470.

Respectfully submitted,

General Electric Company

By : /Allison W Mages/
Allison Weiner Mages

Reg. No. 57,275

Dated: August 8, 2011

GE Global Patent Operation
2 Corporate Drive, Suite 648
Shelton, CT 06484
203-944-6730

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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.
12/371,571	02/13/2009	Jonathan D. Nelson	60280.0003US01/GE224025	7877

67866 7590 08/16/2011
MERCHANT & GOULD GE CONSUMER & INDUSTRIAL
P.O. BOX 2903
MINNEAPOLIS, MN 55402

EXAMINER
WARD, THOMAS JOHN

ART UNIT	PAPER NUMBER
3742	

MAIL DATE	DELIVERY MODE
08/16/2011	PAPER

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

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

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Alexandria, VA 22313-1450
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MERCHANT & GOULD GE CONSUMER & INDUSTRIAL
P.O. BOX 2903
MINNEAPOLIS MN 55402

AUG 16 2011

In re Application of	:	
Jonathan D. Nelson et al.	:	DECISION ON PETITION
Application No. 12/371,571	:	TO MAKE SPECIAL UNDER
Filed: February 13, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 60280.0003US01/GE224025	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed August 08, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

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

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

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

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

Telephone inquires concerning this decision should be directed to 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

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

PTO/SB/420 (03-11)

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 225439	Application Number (if known): 12/371,572	Filing date: 02-13-2009

First Named Inventor: Jonathan D. Nelson

Title: RESIDENTIAL HEAT PUMP WATER HEATER

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

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

1. By filing this petition:

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

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

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

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

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

6. Other attachments: Statement Concerning the Basis for the Special Status

Signature /Allison W. Mages/	Date May 31, 2011
Name (Print/Typed) Allison W. Mages	Registration Number 57,275

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.

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Jonathan E. Nelson	)
Confirmation No.: 7881	)
	)
Serial No.: 12/371,572	)
	)
Filing Date: 02-13-2009	)
	)
Atty Docket No.: 225439	)

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

Statement Concerning the Basis for the Special Status

SIR:

Applicant respectfully submits that Special Status is sought on the basis that the present invention materially contributes to energy conservation.

The undersigned attorney may be contacted at the number below to facilitate the resolution of any matters. Please charge any fees that are incurred in connection with this Statement to deposit account no. 09-0470.

Respectfully submitted,

General Electric Company

By : /Allison W. Mages/
Allison W. Mages
Reg. No. 57,275

GE Global Patent Operation
2 Corporate Drive, Suite 648
Shelton, CT 06484
203-944-6730

UNITED STATES PATENT AND TRADEMARK 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.
12/371,572	02/13/2009	Jonathan D. Nelson	60280.0012US01/225439	7881

67866 7590 07/06/2011
MERCHANT & GOULD GE CONSUMER & INDUSTRIAL
P.O. BOX 2903
MINNEAPOLIS, MN 55402

EXAMINER
ROBINSON, DANIEL LEON

ART UNIT	PAPER NUMBER
3742	

MAIL DATE	DELIVERY MODE
07/06/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MERCHANT & GOULD GE CONSUMER & INDUSTRIAL
P.O. BOX 2903
MINNEAPOLIS MN 55402

In re Application of		
NELSON, JONATHAN D.	:	DECISION ON PETITION
Application No. 12/371572	:	TO MAKE SPECIAL UNDER
Filed: February 13, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 60280.0012US01/225439	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed June 6, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **dismissed.**

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.

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

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

a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

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

The petition lacks item #4. In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. Petitioner indicates that the basis for Special Status is that the claimed invention contributes to energy conservation. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard. It is not clear how the claimed water heater contribute to energy conservation. The claims have nothing to do with the green technologies.

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

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

This application is currently docketed and ready for examination. The application will be forwarded to the Technology Center Art Unit 3742 for action in its regular turn.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center TC 3700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Jonathan D. NELSON	)
Confirmation No.: 7881	)
	)
Serial No.: 12/371,572	)
	)
Filing Date: 02-13-2009	)
	)
Atty Docket No.: 225439-1 (60280.0012US01/225439)	)

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

Request for Reconsideration

SIR:

This is responsive to the Decision on Petition, dated as mailed 6 July 2011, in the above-referenced application.

Applicant respectfully requests reconsideration of Applicant's Petition to Make Special on the basis that the present invention materially contributes to more efficient utilization and conservation of energy resources.

The Decision to Make Special Under the Green Technology Pilot Program (hereinafter "the Decision") alleges that it is not clear how the claimed water heater contributes to energy conservation. The Decision states that the claims have nothing to do with the green technologies. Applicant does not agree with the comments made in the Decision.

Applicant respectfully submits that embodiments of the present invention relate to water heaters. More specifically, embodiments of the present invention relate to heat pump water heaters. (see at least paragraph [0001]).

A widely accepted and used water heater for residential hot water production and storage is the electric resistance water heater and storage tank.

Water heaters typically include a tank defining a chamber for retention of water. A water inlet pipe that is provided with a first connection for interconnection with a cold water supply line that conveys fresh relatively cold water into the chamber. Within the tank there are electric resistance elements that heat the water in the tank. In current embodiments, there are at least two electric resistance elements. A first electric resistance element positioned near the bottom of the tank and a second electric resistance element positioned near the top of the tank. There are also two sensors positioned on the exterior of the tank that measure the temperature of the tank near the top and bottom of the tank in proximity to the location of the electric resistance elements. When the temperature sensed by such sensors drops below a certain temperature level, these sensors close the contacts associated with the corresponding electric resistance elements causing the electric resistance elements to energize. (see at least paragraph [0002]).

When water is supplied to the tank, it is supplied through a dip tube that pushes the cold water to the bottom of the tank and thereby pushes the hot water out of the top through the outlet pipe where water is the hottest. One of the problems with this configuration is that the sensor near the top of the tank can't detect that hot water is exiting and cold water is entering the tank near the bottom. The lower sensor detects that cold water is entering the tank when it detects a temperature drop at the thermostat, which is the primary purpose for having two sensors. When the lower sensor detects a temperature drop below a certain level, it closes the contact and energizes the lower electric resistance element until the temperature reaches a specified level. But, each time the lower electric resistance element heats the water; the heated water is buoyant and goes up to the top of the tank. For example, if the tank is holds 50 gallons of

water, and three gallons of water flow into the tank, it may cause the lower electric resistance element to be energized for a few minutes in order to recover the temperature. If a few minutes later, there is a draw of another three gallons of water, the lower electric resistance element is energized again for another few minutes in order to recover the temperature. This causes the heated water to rise to the top creating a problem called stacking. Under sequential small draws of water, the lower electric resistance element is energized each time and runs until the lower sensor is satisfied that the lower part of the tank is sufficiently warm. When this is occurring, the top part of the tank continues to get a little bit hotter each time which causes over heating of water in the top of the tank, which can potentially lead to undesirably hot water being drawn from the tank. (see at least paragraph [0003]).

Embodiments of the present invention utilize a controller programmed to control a heat pump water heater, though not all aspects of the invention are limited to heat pump water heaters, but may have other applications as well, such as for example, electric water heaters. The controller may be programmed to have preset modes of operation. In addition, the controller may be programmed to interpret various temperature and data inputs for use in controlling the heat sources of the water heater. Furthermore, the temperature and data inputs may be interpreted by the controller to automatically select and energize one or more of the electric heating elements and heat pump (via energization of the compressor) in an effort to efficiently heat the water in a manner that prevents over heating of the water caused by stacking. (see at least paragraph [0015]).

The embodiments described set forth embodiments of a heat pump water heater system that utilizes one or more electric resistance elements, as well as a heat pump or refrigeration sealed system to impart heat to the water. The energy required to heat water is significantly reduced by utilizing a refrigeration sealed system to move the heat from the air of the surrounding warm environment into the water. (see at least paragraph [0017]). As such, the present invention reduces the energy required to heat water in a heat pump water heater system, which effectively promotes the more efficient utilization and conservation of energy.

The undersigned attorney may be contacted at the number below to facilitate the resolution of any matters. Please charge any fees that are incurred in connection with this Statement to deposit account no. 09-0470.

Respectfully submitted,

General Electric Company

By : /Allison W Mages/
Allison Weiner Mages
Reg. No. 57,275

Dated: August 4, 2011

GE Global Patent Operation
2 Corporate Drive, Suite 648
Shelton, CT 06484
203-944-6730

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.
12/371,572	02/13/2009	Jonathan D. Nelson	60280.0012US01/225439	7881

67866 7590 08/16/2011
MERCHANT & GOULD GE CONSUMER & INDUSTRIAL
P.O. BOX 2903
MINNEAPOLIS, MN 55402

EXAMINER
ROBINSON, DANIEL LEON

ART UNIT	PAPER NUMBER
3742	

MAIL DATE	DELIVERY MODE
08/16/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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MERCHANT & GOULD GE CONSUMER & INDUSTRIAL
P.O. BOX 2903
MINNEAPOLIS MN 55402

AUG 16 2011

In re Application of	:	
Jonathan D. Nelson et al.	:	DECISION ON PETITION
Application No. 12/371,572	:	TO MAKE SPECIAL UNDER
Filed: February 13, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 60280.0012US01/225439	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed August 04, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

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

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

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

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

Telephone inquires concerning this decision should be directed to 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

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

PTO/SB/420 (11-10)
Approved for use through 01/31/2011. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 81168375	Application Number (if known): 12371612	Filing date: 2009-02-15
First Named Inventor: Chris Paul Glugla		
Title: Combustion Control Using Ion Sense Feedback And Multi-Strike Sark To Manage High Dilution And Lean AFR		

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

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

1. By filing this petition:

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

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

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

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

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

6. Other attachments: _____

Signature /David S. Bir/	Date 03-03-2011
Name (Print/Typed) David S. Bir	Registration Number 38383

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

☐ *Total of ..... forms are submitted.

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

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

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

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

(Not to be Submitted to the USPTO)

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

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

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

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

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

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

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

Privacy Act Statement

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

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

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Group Art Unit: 3747

Chris Paul Glugla

Examiner: John Kwon

Serial No.: 12371612

Filed: February 15, 2009

For: Combustion Control Using Ion Sense Feedback And Multi-Strike Sark To Manage High Dilution And Lean AFR

Attorney Docket No.: 81168375

STATEMENT SUPPORTING ELIGBILITY REQUIREMENT OF THE GREEN TECHNOLOGY PILOT PROGRAM

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

Dear Sir:

This Statement of Special Status for the Eligibility Requirement is being filed concurrently with a Petition To Make Special Under the Green Technology Pilot Program (PTO/SB/420), and pursuant to the requirements of 74 Fed. Reg. 64,666 (Dec. 8, 2009), as amended by 75 Fed. Reg. 28, 554 (May 21, 2010) and 75 Fed. Reg. 68049 (Nov. 10, 2010).

Applicant respectfully submits that the above-identified application is eligible for the "Green Technology Pilot Program" as materially contributing to the more efficient utilization and conservation of energy resources or the reduction of greenhouse gas emissions.

As explained in the specification, various strategies are being investigated to increase power density and downsize engines, i.e. provide smaller, lighter engines with power equal to or greater than more conventional larger and heavier engines. For example, lean air/fuel ratio operation, and cooled external exhaust gas recirculation (EGR) on turbocharged or supercharged engines may be used to increase power density. Typically, these smaller engines operate at

higher loads where pumping losses are reduced to further improve fuel economy. However, combustible mixtures supplied to the engine cylinders with high levels of dilution and lean air/fuel ratios are more difficult to ignite and to achieve complete combustion. Previous strategies included increasing ignition energy by using larger spark plug gaps, raising the ignition coil output, and/or sparking multiple times. While these approaches may be suitable for some applications, increased ignition energy may lead to premature spark plug wear and gap erosion resulting in associated combustion performance degradation, which may adversely impact fuel efficiency, drivability, and/or feedgas emissions.

The claimed invention is directed to systems and methods for operating a multiple cylinder internal combustion engine having at least one spark plug per cylinder include attempting to improve combustion quality by modifying ignition energy of the at least one spark plug before modifying charge dilution of the cylinder, and modifying both ignition energy and charge dilution substantially simultaneously to establish combustion if an ionization sense signal associated with the cylinder indicates a misfire.

The systems and methods of the present disclosure use ionization sensing feedback to more accurately control combustion within individual cylinders to manage fuel economy, performance, and emissions by controlling combustion quality by appropriately managing ignition energy and charge dilution. Effective combustion management facilitates downsizing of engines with smaller engines providing power similar to larger engines with more conventional control strategies. This improves fuel economy, which also results in reduced greenhouse gas feedgas emissions.

For the reasons above, it is respectfully submitted that the claimed invention materially contributes to conservation of energy resources and the reduction of greenhouse gas emissions.

The Application is a non-reissue, non-provisional utility application filed under 35 U.S.C. §111(a). The Application contains no more than three (3) independent claims and twenty (20) total claims. The Application does not contain multiple dependent claims. A first Office action has not yet appeared in the Patent Application Information Retrieval System (PAIR).

The publication fee under 37 C.F.R. § 1.18(d) of $300 has been paid upon filing. Please charge any additional required fees to Deposit Account No. 06-1510 (Ford Global Technologies, LLC).

Respectfully submitted,

CHRIS PAUL GLUGLA

By: /David S. Bir/
David S. Bir
Reg. No. 38383
Attorney for Applicant

Date: March 3, 2011

BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238
Phone: 248-358-4400
Fax: 248-358-3351

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/371,612	02/15/2009	Chris Paul Glugla	81168375	7982

46535 7590 03/16/2011
BROOKS KUSHMAN P.C./FGTL/DSB
1000 Town Center
Twenty-Second Floor
Southfield, MI 48075

EXAMINER
KWON, JOHN

ART UNIT	PAPER NUMBER
3747	

MAIL DATE	DELIVERY MODE
03/16/2011	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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1000 TOWN CENTER
22ND FLOOR
SOUTHFIELD MI 48075-1238

In re Application of	:	
GLUGLA, CHRIS PAUL et al	:	DECISION ON PETITION
Application No. 12/371,612	:	TO MAKE SPECIAL UNDER
Filed: Feb. 15, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 81168375	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed March 4, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **dismissed**.

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

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

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

a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

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

The petition lacks item # 4.

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

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

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

The application will be forwarded to the Technology Center Art Unit 3747 for action in its regular turn.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/371,612	02/15/2009	Chris Paul Glugla	81168375	7982

46535 7590 04/26/2011
BROOKS KUSHMAN P.C./FGTL/DSB
1000 Town Center
Twenty-Second Floor
Southfield, MI 48075

EXAMINER
KWON, JOHN

ART UNIT	PAPER NUMBER
3747	

MAIL DATE	DELIVERY MODE
04/26/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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BROOKS KUSHMAN P.C./FGTL
1000 TOWN CENTER
22ND FLOOR
SOUTHFIELD MI 48075-1238

In re Application of	:	
GLUGLA, CHRIS PAUL et al	:	DECISION ON PETITION
Application No. 12/371,612	:	TO MAKE SPECIAL UNDER
Filed: Feb. 15, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 81168375	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed April 5, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **denied**.

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

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

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

a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

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

The petition lacks item # 7.

In regard to item 7, petitioner should note that as shown by the records of the U. S. Patent and Trademark Office, a first Office action appears in the Patent Application Information Retrieval (PAIR) system on April 1, 2011. The present renewed petition was submitted on April 5, 2011. Since a first Office action allowance appears in PAIR prior to the submission of the present petition, the petition is dismissed.

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

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

The application will be forwarded to the Patent Publication Branch awaiting payment of issue fee.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SCHLUMBERGER K.K.
10001 RICHMOND AVENUE
IP ADMINISTRATION CENTER OF
EXCELLENCE
HOUSTON TX 77042

MAILED
JAN 27 2012
OFFICE OF PETITIONS

In re Application of	:	DECISION
Fujisawa, et al.	:	ON PETITION
Application No. 12/371,628	:	
Filed: February 16, 2009	:	
Attorney Docket Number: 26.0509 US	:	

This is in response to the petition under 37 CFR 1.84(a)(2), filed February 16, 2009, for acceptance of color drawings.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled, "Renewed Petition under 37 CFR 1.84(a)(2)". No further petition fee is required for a renewed petition.

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

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

(2) Three (3) sets of color drawings, or one (1) set if filed via EFS, and

(3) The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

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

Here, the Office has determined that color drawings for Figures 5 and 6 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

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

HAYNES AND BOONE, LLP
IP Section
2323 Victory Avenue
Suite 700
Dallas TX 75219

MAILED
APR 22 2011
OFFICE OF PETITIONS

In re Application of :
Yeh et al. :
Application No. 12/371672 : ON PETITION
Filing or 371(c) Date: 02/16/2009 :
Attorney Docket Number: :
2008-0465 (0457, 0458, 04 :

This is a decision on the Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b), February 15, 2011.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely reply to the Restriction/Election Requirement, mailed January 22, 2010. The Restriction/Election Requirement set a one (1) month period for reply. Extensions of time under 37 CFR 1.136(a) were available. No complete and proper reply having been received, the application became abandoned on February 23, 2010.

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

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

A refund of the extension of time fee has been scheduled to petitioner's credit card.

This application is being forwarded to Technology Center Art Unit 2892 for processing of the response in due course.

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

/DLW/

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ICE MILLER LLP
ONE AMERICAN SQUARE, SUITE 3100
INDIANAPOLIS IN 46282-0200

MAILED
OCT 25 2010
OFFICE OF PETITIONS

In re Application of	:	
William Pottorff et al.	:	DECISION ON PETITION
Application No. 12/371,680	:	TO WITHDRAW
Filed: February 16, 2009	:	FROM RECORD
Attorney Docket No. **P01788-US-00**	:	

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed September 22, 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
www.uspto.gov

ICE MILLER LLP
ONE AMERICAN SQUARE, SUITE 3100
INDIANAPOLIS IN 46282-0200

MAILED

DEC 14 2010

OFFICE OF PETITIONS

In re Application of	:	
William Pottorff et al.	:	DECISION ON PETITION
Application No. 12/371,680	:	TO WITHDRAW
Filed: February 16, 2009	:	FROM RECORD
Attorney Docket No. **P01788-US-00**	:	

This is a decision on the renewed request to withdraw as attorney of record under 37 CFR § 1.36(b), filed November 15, 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 James Pinyerd on behalf of all attorneys of record who are associated with Customer Number 22446.

All attorneys/agents associated with Customer Number 22446 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 William T. Pottorff at the address indicated below.

There is an outstanding Office action mailed July 8, 2010, that requires a reply from the applicant.

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

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

cc: William T. Pottorff
1575 Fox Drive
Martinsville, IN 46151

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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

Application No:	12/371,741	Filing date:	February 16, 2009
First Named Inventor:	Brock W. WATSON		
Title of the Invention:	EXPANDABLE CASING WITH ENHANCED COLLAPSE RESISTANCE AND SEALING CAPABILITY		

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/US10/24034

The international date of the corresponding PCT application(s) is/are: February 12, 2010

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. 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.

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

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

(continued)

Application No.:	12/371,741
First Named Inventor:	Brock W. WATSON

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 28, 2010

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

☒ Are attached.

Have already been filed in the above-identified U.S. application on October 28, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-21	1-21	US application claims are identical to PCT application claims.

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

Signature	/Marlin R. Smith/	Date	November 9, 2010
Name (Print/Typed)	Marlin R. Smith	Registration Number	38310

Privacy Act Statement

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

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

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

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
SMITH MARLIN R.

SMITH IP SERVICES, P.C. P.O. BOX 997 ROCKWALL TX 75087 USA

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing *(day/month/year)* **30 SEPTEMBER 2010 (30.09.2010)**

Applicant's or agent's file reference
08-009735U1

FOR FURTHER ACTION
See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/US2010/024034	**12 FEBRUARY 2010 (12.02.2010)**	16 FEBRUARY 2009 (16.02.2009)

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

E21B 43/10(2006.01)i, E21B 17/00(2006.01)i

Applicant

HALLIBURTON ENERGY SERVICES, INC. et al

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

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

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

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

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

Name and mailing address of the ISA/KR	Date of completion of this opinion	Authorized officer
Korean Intellectual Property Office Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu, Daejeon 302-701, Republic of Korea Facsimile No. 82-42-472-7140	29 SEPTEMBER 2010 (29.09.2010)	KOO, BON CHEOL Telephone No.82-42-481-5803

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2010/024034

Box No. 1 Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of:

   ☒ the international application in the language in which it was filed

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

2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43*bis*.1(a))

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

   a. a sequence listing filed or furnished
   ☐ on paper
   ☐ in electronic form

   b. time of filing or furnishing
   ☐ contained in the international application as filed.
   ☐ filed together with the international application in electronic form.
   ☐ furnished subsequently to this Authority for the purposes of search.

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

5. Additional comments:

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2010/024034

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

1. Statement

Novelty (N)	Claims	1-21	YES
	Claims	NONE	NO
Inventive step (IS)	Claims	1-21	YES
	Claims	NONE	NO
Industrial applicability (IA)	Claims	1-21	YES
	Claims	NONE	NO

2. Citations and explanations :

Reference is made to the following documents:

D1: US 5174340 A (PETERSON; JAMES L. et al.) 29 December 1992
D2: US 5275240 A (PETERSON; JAMES L. et al.) 04 January 1994
D3: US 2005-0121204 A1 (JACK VLOEDMAN et al.) 09 June 2005
D4: US 7225868 B2 (YUJI ARAI) 05 June 2007

1. Novelty and Inventive step

Claim 1 differs from D1-D4 in the constructional details and the effect of the expandable tubular for use in a subterranean well, the expandable tubular comprising multiple recesses extending into a wall of the tubular.

Claim 11 differs from D1-D4 in the process and the effect of expanding tubulars in a subterranean well, the first tubular comprising multiple recesses extending into a wall of the first tubular.

Accordingly, claims 1, 11 are not anticipated by any of the documents, nor obvious to a person skilled in the art by the documents, taken alone or in combination.

Therefore, claims 1, 11 appear to be novel and to involve an inventive step under PCT Article 33(2) and (3).

Claims 2-10 depend on claim 1, and claims 12-21 depend on claim 11. Consequently, they are also considered to be novel and to involve an inventive step under PCT Article 33(2) and (3).

2. Industrial Applicability

Claims 1-21 are industrially applicable under PCT Article 33(4).

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:

SMITH MARLIN R.

SMITH IP SERVICES, P.C. P.O. BOX 997 ROCKWALL TX 75087 USA

PCT

NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL SEARCH REPORT AND THE WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

	Date of mailing *(day/month/year)* 30 SEPTEMBER 2010 (30.09.2010)
Applicant's or agent's file reference 08-009735U1	**FOR FURTHER ACTION** See paragraphs 1 and 4 below
International application No. **PCT/US2010/024034**	International filing date *(day/month/year)* **12 FEBRUARY 2010 (12.02.2010)**
Applicant **HALLIBURTON ENERGY SERVICES, INC. et al**	

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46).

When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes 1211 Geneva 20, Switzerland, Facsimile No.: +41 22 338 82 70

For more detailed instructions, see *PCT Applicant's Guide*, International Phase, paragraphs 9.004 - 9.011.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.

3. ☐ **With regard to any protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

☐ the protest together with the decision thereon has been transmitted to the International Bureau together with any request to forward the texts of both the protest and the decision thereon to the designated Offices.

☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Reminders**

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. Following the expiration of 30 months from the priority date, these comments will also be made available to the public.

Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau before the completion of the technical preparations for international publication (Rules 90bis.1 and 90bis.3).

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19months.

For details about the applicable time limits, Office by Office, see www.wipo.int/pct/en/texts/time_limits.html and the PCT Applicant's Guide, National Chapters.

Name and mailing address of the ISA/KR Korean Intellectual Property Office Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu, Daejeon 302-701, Republic of Korea Facsimile No. 82-42-472-7140	Authorized officer COMMISSIONER Telephone No. 82-42-481-8754

* Attention

Copies of the documents cited in the international search report can be searched in the following Korean Intellectual Property Office English website for three months from the date of mailing of the international search report.

http://www.kipo.go.kr/en/ => Patent Search => PCT-Service

ID : PCT international application number
PW : **JM5A69DW**

Inquiries related to PCT International Search Report or Written Opinion prepared by KIPO as an International Searching Authority can be answered not only by KIPO but also through IPKC (Intellectual Property Korea Center), located in Vienna, VA, which functions as a PCT Help Desk for PCT applicants.

Homepage: http://www.ipkcenter.com
Email: ipkc@ipkcenter.com
Phone: +1 703 388 1066
Fax: +1 703 388 1084

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 08-009735U1	**FOR FURTHER ACTION**	see Form PCT/ISA/220 as well as, where applicable, item 5 below.
International application No. **PCT/US2010/024034**	International filing date *(day/month/year)* **12 FEBRUARY 2010 (12.02.2010)**	(Earliest) Priority Date *(day/month/year)* 16 FEBRUARY 2009 (16.02.2009)
Applicant **HALLIBURTON ENERGY SERVICES, INC. et al**		

This International search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 3 sheets.

☐ It is also accompanied by a copy of each prior art document cited in this report.

1. **Basis of the report**
   a. 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
      ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))
   b. ☐ This international search report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43.6*bis*(a)).
   c. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I
2. ☐ **Certain claims were found unsearchable** (See Box No. II)
3. ☐ **Unity of invention is lacking** (See Box No. III)
4. With regard to the **title**,
   ☒ the text is approved as submitted by the applicant.
   ☐ the text has been established by this Authority to read as follows:
5. With regard to the **abstract**,
   ☒ the text is approved as submitted by the applicant.
   ☐ the text has been established, according to Rule 38.2, by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.
6. With regard to the drawings,
   a. the figure of the **drawings** to be published with the abstract is Figure No. 2
      ☐ as suggested by the applicant.
      ☒ as selected by this Authority, because the applicant failed to suggest a figure.
      ☐ as selected by this Authority, because this figure better characterizes the invention.
   b. ☐ none of the figure is to be published with the abstract.

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US2010/024034

A. CLASSIFICATION OF SUBJECT MATTER

E21B 43/10(2006.01)i, E21B 17/00(2006.01)i

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

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
E21B 43/10; E21B 23/02; F16L 9/02; C22C 38/00; E21B 29/00; E21B 17/00

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched
Korean utility models and applications for utility models
Japanese utility models and applications for utility models

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)
eKOMPASS(KIPO internal) & Keywords: expandable tubular, recess

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 5174340 A (PETERSON; JAMES L. et al.) 29 December 1992 See Abstract, Fig. 3	1-21
A	US 5275240 A (PETERSON; JAMES L. et al.) 04 January 1994 See Abstract, Fig. 3	1-21
A	US 2005-0121204 A1 (JACK VLOEDMAN et al.) 09 June 2005 See Abstract, Fig. 3	1-21
A	US 7225868 B2 (YUJI ARAI) 05 June 2007 See Abstract, Fig. 8	1-21

☐ Further documents are listed in the continuation of Box C. ☒ See patent family annex.

* Special categories of cited documents:
"A" document defining the general state of the art which is not considered to be of particular relevance
"E" earlier application or patent but published on or after the international filing date
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of citation or other special reason (as specified)
"O" document referring to an oral disclosure, use, exhibition or other means
"P" document published prior to the international filing date but later than the priority date claimed
"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
"&" document member of the same patent family

Date of the actual completion of the international search	Date of mailing of the international search report
29 SEPTEMBER 2010 (29.09.2010)	**30 SEPTEMBER 2010 (30.09.2010)**
Name and mailing address of the ISA/KR Korean Intellectual Property Office Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu, Daejeon 302-701, Republic of Korea Facsimile No. 82-42-472-7140	Authorized officer KOO, BON CHEOL Telephone No. 82-42-481-5803

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No.
PCT/US2010/024034

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 5174340 A	29.12.1992	US 5275240 A	04.01.1994
US 5275240 A	04.01.1994	US 5174340 A	29.12.1992
US 2005-0121204 A1	09.06.2005	CA 2420470 C	24.07.2007
		CA 2420470-A1	22.07.2004
		US 2004-0140093 A1	22.07.2004
		US 6915851 B2	12.07.2005
		US 7134495 B2	14.11.2006
US 7225868 B2	05.06.2007	CA 2441130 C	13.01.2009
		CA 2441130-A1	19.09.2002
		CN 1529787 A	15.09.2004
		CN 1529787 C0	27.06.2007
		CN 1975094 A	06.06.2007
		DE 60207695 D1	05.01.2006
		DE 60207695 T2	17.08.2006
		EP 1375820 A1	02.01.2004
		EP 1375820 A4	16.03.2005
		EP 1375820 B1	30.11.2005
		JP 03-885615 B2	21.02.2007
		JP 2002-349177 A	04.12.2002
		MX PA03008006 A	20.06.2005
		NO 20033972 A	07.11.2003
		NO 20033972 D0	08.09.2003
		US 2004-0035576 A1	26.02.2004
		US 2007-0199720 A1	30.08.2007
		US 7458426 B2	02.12.2008
		WO 02-073001 A1	19.09.2002

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

DEC 2 9 2010

SMITH IP SERVICES, P.C.
P.O. Box 997
Rockwall TX 75087

In re application of Brock Watson Application No. 12/371,741 Filed: February 16, 2009 For: EXPANDABLE CASING WITH ENHANCED COLLAPSE RESISTANCE AND SEALING CAPABILITY	:	**DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed November 09, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the KIPO, EPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of petition, filed on November 09, 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: 12/28/10

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	12371764
Filing Date	16-Feb-2009
First Named Inventor	Santiago Vitagliano
Art Unit	3725
Examiner Name	HOMER BOYER
Attorney Docket Number	10130
Title	Passive Turbulance Control Product for Minimizing Drag and Its Method of Manufacture

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 54569

The reason(s) for this request are those described in 37 CFR:

10.40(c)(1)(iv)

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	santiago vitagliano
Address	1 century lane unit 505
City	miami beach
State	FL
Postal Code	33139

Country	US
I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/ruben alcoba/
Name	ruben alcoba
Registration Number	44499

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : August 2,2011

In re Application of :

Santiago Vitagliano

Application No : 12371764

Filed : 16-Feb-2009

Attorney Docket No : 10130

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed August 2,2011

The request is **APPROVED.**

The request was signed by ruben alcoba (registration no. 44499) on behalf of all attorneys/agents associated with Customer Number 54569 . All attorneys/agents associated with Cusotmer Number 54569 have been withdrawn.

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

Name	santiago vitagliano
Name2	
Address 1	1 century lane unit 505
Address 2	
City	miami beach
State	FL
Postal Code	33139
Country	US

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

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

Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : **3-18-11**

TO SPE OF : ART UNIT **3693**

SUBJECT : Request for Certificate of Correction for Appl. No.: **12371862** Patent No.: **7890383**

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (C of C)
Randolph Square – 9D10-E
Palm Location 7580

Omega Lewis
Certificates of Correction Branch

703-756-1575

Thank You For Your Assistance

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

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

Comments: _____

_____

_____

_____

_____

/James Kramer/ **3693**
SPE **Art Unit**

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	12371921
Filing Date	17-Feb-2009
First Named Inventor	Silvano Maffeis
Art Unit	2442
Examiner Name	DOUGLAS BLAIR
Attorney Docket Number	S111.P-044-DV3-P1741US
Title	Messaging Proxy System

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 57380

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	TAIWAN SEMICONDUCTOR MANUFACTURING COMPANY, LTD.
Address	8, LI-HSIN RD. 6, HSINCHU SCIENCE PARK
City	HSINCHU
State	
Postal Code	300-77
Country	TW

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/s/
Name	carl oppedahl
Registration Number	32746

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : November 23,2011

In re Application of :

Silvano Maffeis

Application No : 12371921

Filed : 17-Feb-2009

Attorney Docket No : S111.P-044-DV3-P1741US

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed November 23,2011

The request is **APPROVED.**

The request was signed by carl oppedahl (registration no. 32746) on behalf of all attorneys/agents associated with Customer Number 57380 . All attorneys/agents associated with Cusotmer Number 57380 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 TAIWAN SEMICONDUCTOR MANUFACTURING COMPANY, LTD.

Name2

Address 1 8, LI-HSIN RD. 6, HSINCHU SCIENCE PARK

Address 2

City HSINCHU

State

Postal Code 300-77

Country TW

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

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

Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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PATENT GROUP 2N
JONES DAY
NORTH POINT
901 LAKESIDE AVENUE
CLEVELAND, OH 44114

MAILED
OCT 24 2011
OFFICE OF PETITIONS

In re Application of	:	
Chen-Yu Liu et al	:	
Application No. 12/371,983	:	DECISION ON PETITION
Filed: February 17, 2009	:	TO WITHDRAW
Attorney Docket No. 708574-610001	:	FROM RECORD
	:	

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

The request is **APPROVED**.

The request was signed by Stephen D. Scanlon on behalf of the practitioners of record associated with Customer Number 24325.

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

All future correspondence will be directed to assignee TPK Touch Solutions, Inc. at the address indicated below.

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

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: TPK Touch Solutions, Inc.
3F, No. 13-18, Sec. 6
Min Quan E. Rd., Neihu Dist.
Taipei City 114 Taiwan

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/371,983	02/17/2009	Chen-Yu Liu	708574-610001

CONFIRMATION NO. 8849

POWER OF ATTORNEY NOTICE

24325
PATENT GROUP 2N
JONES DAY
NORTH POINT
901 LAKESIDE AVENUE
CLEVELAND, OH 44114

OC000000050555275

Date Mailed: 10/24/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/04/2011.

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

/idingle/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/371,983	02/17/2009	Chen-Yu Liu	708574-610001

CONFIRMATION NO. 8849

POA ACCEPTANCE LETTER

OC000000050555333

TKP Touch Solutions, Inc.
3F, No. 13-18, Sec. 6
Min Quan E. Rd., Neihu Dist.
Taipei City, 114
TAIWAN

Date Mailed: 10/24/2011

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/04/2011.

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

/idingle/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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INTEL CORPORATION
c/o CPA Global
P.O. BOX 52050
MINNEAPOLIS MN 55402

MAILED

MAR 02 2011

OFFICE OF PETITIONS

In re Application of	:	
Adrian P. Stephens	:	
Application No. 12/372,007	:	DECISION ON PETITION
Filed: February 17, 2009	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. P16723C	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed February 4, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed with the petition. This is also a decision on the petition under 37 CFR 1.182 for expedited handling filed on the same date.

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

The petition under 37 CFR 1.78(a)(3) is **DISMISSED**.

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

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

The petition does not satisfy items (1) and (3) above.

As to item (1):

The reference to add the above-noted, prior-filed application in the first sentence of the specification on page one following the title is not acceptable as drafted since it improperly incorporates by reference the prior-filed application. An incorporation

by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See* Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

As to item (3):

The statement made in the petition does not meet the language requirement set forth in item (3) above. The language of the petition statement does not contain the language "was due" after "...the claim for benefit".

If reconsideration of this decision is desired, a renewed petition under 37 CFR § 1.78(a)(3) and an Application Data Sheet or an amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5)) to correct the above matters are required.

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

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

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

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

Any questions concerning this matter may be directed to Carl Friedman at (571) 272-6842.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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INTEL CORPORATION
c/o CPA Global
P.O. BOX 52050
MINNEAPOLIS MN 55402

MAILED
MAR 15 2011
OFFICE OF PETITIONS

In re Application of	:
Adrian P. Stephens	:
Application No. 12/372,007	: DECISION ON PETITION
Filed: February 17, 2009	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. P16723C	:

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

The petition is **GRANTED**.

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

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

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

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

benefit of the prior-filed applications, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

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

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-6842. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 2473 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed applications.

Carl Friedman
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/372,007	02/17/2009	2473	1220	P16723C	20	3

CONFIRMATION NO. 8888

CORRECTED FILING RECEIPT

59796
INTEL CORPORATION
c/o CPA Global
P.O. BOX 52050
MINNEAPOLIS, MN 55402

OC000000046562370

Date Mailed: 03/15/2011

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)
Adrian P. Stephens, Cambridge, UNITED KINGDOM;

Assignment For Published Patent Application
INTEL CORPORATION, Santa Clara, CA

Power of Attorney: The patent practitioners associated with Customer Number 59796

Domestic Priority data as claimed by applicant
This application is a CON of 10/602,393 06/23/2003 PAT 7,512,070

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

If Required, Foreign Filing License Granted: 03/02/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/372,007**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

ADAPTIVE USE OF A TRANSMIT OPPORTUNITY

Preliminary Class

370

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

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

NOT GRANTED

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

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NOV 17 2010

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

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

In re Application of	:	
MIZUNO, KIMIYASU et al	:	DECISION ON REQUEST TO
Application No. 12/372,039	:	PARTICIPATE IN PATENT
Filed: February 17, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. 09104/LH	:	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 11, 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 validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition is deficient as follows:

Petitioner has not complied with item 6 above.

Regarding item 6, while applicants have submitted IDS's listing documents cited by JPO examiner in the JPO office action along with copies of the documents, not all documents have been listed with copies submitted. The submitted IDS's failed to include the documents "Unexamined Japanese Patent Application KOKAI Publication Nos. 2005-184095 and 2006-270793" and "International Publication No. 99/03273" which were also cited by the JPO examiner in the JPO office action. An IDS listing these three documents along with a copy of each document is required.

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

Telephone inquiries concerning this decision should be directed to Michael Horabik at 571-272-3068.

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

/Michael Horabik/

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK 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.
12/372,039	02/17/2009	Kimiyasu MIZUNO	09104/LH	8942

1933 7590 12/10/2010
HOLTZ, HOLTZ, GOODMAN & CHICK PC
220 Fifth Avenue
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NEW YORK, NY 10001-7708

EXAMINER
YE, LIN

ART UNIT	PAPER NUMBER
2622	

MAIL DATE	DELIVERY MODE
12/10/2010	PAPER

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

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

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In re Application of
MIZUNO, KIMIYASU et al
Application No. 12/372,039
Filed: February 17, 2009
Attorney Docket No. 09104/LH

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

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed November 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 JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

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

Telephone inquiries concerning this decision should be directed to Michael Horabik at 571-272-3068.

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

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

/Michael Horabik/

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

PTO/SB/20PCT-US (09-10)
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U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE 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:	12/372,082	Filing date:	February 17, 2009
First Named Inventor:	Zhang et al.		
Title of the Invention:	AUTOMATED QUALITATIVE MASK FIT TESTER		

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

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

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

The corresponding PCT application number(s) is/are: PCT/US2009/034292

The international date of the corresponding PCT application(s) is/are:

February 17, 2009

I. List of Required Documents:

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

☐ Is attached

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

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

☒ Is attached.

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

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

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

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.:	12/372,082
First Named Inventor:	Zhang et al.

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

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on January 27, 2011 and March 1, 2011

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

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on January 27, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-25	1-25	All claims are identical except for format requirements.

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

Signature Stuart J. Olstad	Date 03 March 2011
Name (Print/Typed) Stuart J. Olstad	Registration Number 58106

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.

CLAIMS

What is claimed is:

1. A qualitative fit tester comprising:

a nebulizer base operatively coupled with a removable cartridge, said removable cartridge defining an interior chamber for containment of a solution, said removable cartridge having structure that defines at least one vent hole in fluid communication with said interior chamber; an aspirator nozzle for production of an aspirator jet that defines a jet axis, said aspirator nozzle being coupled to or integral to said nebulizer base;

structure that defines a flow passage, said flow passage establishing fluid communication between said interior chamber of said removable cartridge and a zone proximate said jet axis; an upper housing extending from one of said nebulizer base and said removable cartridge, said upper housing including an exhaust port; and

a tripping structure located downstream of said aspirator nozzle for intersection of at least a portion of said aspirator jet,

such that when a gas flow is introduced through said aspirator nozzle, said solution is drawn from said removable cartridge through said flow passage and entrained in said aspirator jet, said aspirator jet impacting said tripping structure to atomize and convey at least a portion of said solution entrained therein to exit said exhaust port, said portion of said solution that exits said exhaust port being suitable for qualitative fit testing.

2. The qualitative fit tester of claim 1 wherein said removable cartridge is one of disposed within or coupled directly to said upper housing, said upper housing being removable for access to and placement of said removable cartridge.

3. The qualitative fit tester of claim 2 wherein said removable cartridge and said upper housing include structures that cooperate for capture of a remaining portion of said solution that is entrained in said aspirator jet that does not exit said exhaust port, said remaining portion being returned to said interior chamber of said removable cartridge.

4. The qualitative fit tester of claim 3 wherein said removable cartridge includes a catch basin for collection of said remaining portion of said solution, said catch basin being in fluid

communication with at least one of said at least one vent hole for return of said remaining portion of said solution to said interior chamber of said removable cartridge.

5. The qualitative fit tester of claim 2 wherein said removable cartridge, said structure defining a flow passage and said tripping structure are integral.

6. The qualitative fit tester of claim 2 wherein:

said tripping structure is joined to or integral with said upper housing; and

said aspirator nozzle is joined to or integral with said removable cartridge.

7. The qualitative fit tester of claim 2 wherein said tripping structure and said aspirator nozzle are joined to or integral with said removable cartridge.

8. The qualitative fit tester of claim 2 wherein:

said tripping structure is joined to or integral with said upper housing; and

at least a portion of said aspirator nozzle is joined to or integral with said tripping structure.

9. The qualitative fit tester of claim 1 wherein said nebulizer base comprises a hand-held console box and a pressure source operatively coupled with said aspirator nozzle for selective generation of said gas flow through said aspirator nozzle.

10. The qualitative fit tester of claim 9 wherein said pressure source comprises an air pump driven by an electric motor, said air pump and motor being disposed within said hand-held console box.

11. The qualitative fit tester of claim 9 further comprising a microprocessor operatively coupled with a memory device, control circuitry and an operator console, said control circuitry being operatively coupled with said pressure source for control of said gas flow from said pressure source with said microprocessor, said microprocessor, control circuitry and memory device being disposed within said hand-held console box, said memory device including microprocessor-readable instructions, said instructions comprising:

receiving an input from said operator console;

activating said gas flow between said pressure source and said aspirator nozzle for a first predetermined time interval, said first predetermined time interval being selectively determined based on said input from said operator console;

terminating said gas flow between said pressure source and said aspirator nozzle established in the step of activating for a second predetermined time interval, said second predetermined time interval being selectively determined based on said input from said operator console; and

repeating said steps of activating and terminating at least once.

12. The qualitative fit tester of claim 11 further comprising a heater operatively coupled with said removable cartridge and said control circuitry, and wherein said memory device includes microprocessor-readable instructions for energizing said heater.

13. The qualitative fit tester of claim 1 further comprising a heater operatively coupled with said removable cartridge.

14. The qualitative fit tester of claim 1 wherein said removable cartridge comprises a lower portion and an upper portion, said lower portion including structure that defines said aspirator nozzle, said structure defining said flow passage comprising a channel on one of said aspirator nozzle and said upper portion of said removable cartridge that cooperates with the other of said aspirator nozzle and said upper portion of said removable cartridge to define said flow passage.

15. The qualitative fit tester of claim 1 wherein said structure defining said flow passage includes a head having an exit orifice.

16. The qualitative fit tester of claim 1 further comprising a random access memory and an input/output communication device operatively coupled to said microprocessor for transfer of data to and from said memory device and said random access memory.

17. The qualitative fit tester of claim 16 wherein said input/output communication device is wireless.

18. An aerosol cartridge system capable of recovering a portion of an aerosol solution that has exited an aerosol cartridge, the system comprising:

a nebulizer operatively coupled with said cartridge;

a collector located proximate said nebulizer for capture of droplets of said aerosol solution transferred from said nebulizer and incident on said collector;

said cartridge including structure defining a catch basin and a ventilation port, said ventilation port being located within said catch basin and being in fluid communication with the interior of said cartridge, said catch basin being arranged in relation to said collector for transfer of said aerosol solution accumulating on said collector to said ventilation port for reentry into the interior of said cartridge through said ventilation port.

19. The aerosol cartridge system of claim 18, wherein transfer of said aerosol solution accumulating on said collector to said ventilation port is by gravity.

20. The aerosol cartridge system of claim 18 wherein reentry of aerosol solution into the interior of said cartridge through said ventilation port is by suction caused by ventilation of said cartridge during operation.

21. A qualitative fit tester, comprising

a nebulizer unit operatively coupled to an aerosol solution source and a pressure source, said nebulizer unit including an exhaust port;

a microprocessor operatively coupled with a memory device, control circuitry and an operator console, said control circuitry being operatively coupled with said pressure source for control of a gas flow from said pressure source with said microprocessor, said microprocessor, control circuitry and memory device being disposed within a hand-held console box, said memory device including microprocessor-readable instructions, said instructions comprising:

activating said gas flow through said nebulizer unit for a first interval of time, said first interval of time being predetermined to deliver a first mass dose to said exhaust port;

accepting an input from said operator whether said testee tasted said aerosol solution delivered in said step of activating;

repeating said steps of activating and said accepting if said input from said operator in said step of accepting is negative; and

displaying a dose count based on the number of times said step of activating was performed before said testee tasted said aerosol solution if said input from said operator in said step of accepting is positive.

22. The qualitative fit tester of claim 21 wherein said aerosol solution source is a cartridge.

23. The qualitative fit tester of claim 21 further comprising a random access memory operatively coupled with said microprocessor, and wherein said microprocessor-readable instructions further comprise:

prompting said operator to perform tasks prior to said step of activating; and

recording said dose count to said random access memory after said step of repeating.

24. The qualitative fit tester of claim 21 wherein said microprocessor-readable instructions further comprise:

(a) prompting said operator to instruct said testee to don a mask;

(b) activating said gas flow through said nebulizer for a second interval of time, said second interval of time being predetermined to deliver a second mass dose to said exhaust port, said second mass dose being based on said dose count;

(c) prompting said operator to instruct said testee to perform an exercise;

(d) activating said gas flow through said nebulizer for a third interval of time, said third interval of time being predetermined to deliver a third mass dose to said exhaust port, said third mass dose being substantially half of said second mass dose;

(e) accepting an input from said operator whether said testee tasted said aerosol solution delivered in said second and third mass doses;

(f) repeating steps (c) through (e) if said input from said operator in said step (e) is negative; and

(g) indicating a failed test if said input from said operator in said step (e) is positive.

25. The qualitative fit tester of claim 24 wherein said microprocessor-readable instructions further comprise:

recording said dose count to said random access memory before step (a); and

recalling said dose count from said random access memory for execution of step (b).

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/372,082	02/17/2009	Hai Zhang	3619.123US02	9017

24113 7590 05/06/2011
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EXAMINER
YU, JUSTINE ROMANG

ART UNIT	PAPER NUMBER
3771	

MAIL DATE	DELIVERY MODE
05/06/2011	PAPER

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

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

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MINNEAPOLIS MN 55402-2100

In re Application of	:	
ZHANG, HAI et al	:	DECISION ON REQUEST TO
Application No. 12/372,082	:	PARTICIPATE IN PATENT
Filed: Feb. 17, 2009	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 3619.123US02	:	PROGRAM AND PETITION
For: AUTOMATED QUALITATIVE MASK	:	TO MAKE SPECIAL UNDER
FIT TESTER	:	37 CFR 1.102(a)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed March 3, 2011 to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH program and petition to make special require:
(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the JPO, EPO, KIPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

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

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Other inquiries concerning the examination or status of the application should be directed to Justine Yu, the SPE of Art Unit 3771 at 571-272-4835 for Class 128/206 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

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

This application will be forwarded and docketed to an examiner for action on the merits commensurate with this decision.

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

The petition is **granted.**

/Henry C. Yuen/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/372,110	02/17/2009	Richard Sapper	080532	9075

23464 7590 12/06/2011
BUCHANAN INGERSOLL & ROONEY PC
P.O. BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER
SMITH, NKEISHA

ART UNIT	PAPER NUMBER
3632	

NOTIFICATION DATE	DELIVERY MODE
12/06/2011	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):

ADIPFDD@bipc.com
offserv@bipc.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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DEC 0 5 2011

Buchanan, Ingersoll & Rooney, PC
P.O. Box 1404
Alexandria, VA 22313-1404

In re Application of Richard Sapper et al. Application No. 12/372,110 Filed: February 17, 2009 For: SUPPORT APPARATUS	: DECISION ON THE PETITION : REGARDING REQUEST TO : WITHDRAW REQUIREMENT : FOR RESTRICTION

Applicant's petition under 37 CFR 1.144, filed June 30, 2010, requests the supervisor to withdraw the restriction requirement made final in the Office action of April 22, 2010. The delay in treating this petition is sincerely regretted.

The petition is **DISMISSED**.

A review of the file record indicates that the examiner in this case issued a Requirement for Restriction between 7 patentably distinct species on March 3, 2010. The applicant responded with an election of species I with traverse on March 23, 2010. The examiner made the election final in a non-final Office action dated April 22, 2010. The applicant responded with an amendment and the instant petition on June 30, 2010. Since the filing of this petition the examiner has issued a Final rejection on November 16, 2010, applicant has submitted an after-final amendment on January 14, 2011, the examiner issued an Advisory Action on February 4, 2011, the applicant filed a Notice of Appeal on February 7, 2011 and an Appeal Brief on April 5, 2011, the examiner issued an Examiner's Answer on May 27, 2011, and a Reply Brief was filed by the applicant on June 27, 2011.

Applicant's petition argues that the required election of species between species I - VII was improper. Applicant argues that the examiner has failed to show that there is an examination burden on the examiner should the election not be required. The applicant specifically argues that the examiner "must provide reasons and/or examples to support conclusions" to support a restriction requirement, and that the examiner has failed to provide any reason or example as to why any one of listed species may add a significant burden to the examiner's search burden for this application. The applicant acknowledges that the examiner, in response to the traversal in the election of March 23, 2010, indicated that the application contains claims wherein the "different embodiments have differing prior art". However, the applicant argues that this statement is merely a "conclusory" statement which fails to provide reasons and/or examples to support the conclusions.

Applicant is correct that the examiner is required to provide reasons and/or examples establishing that the restriction is proper, as provided for in MPEP 803 and 808.02. However, the argument that the examiner's statement that "different embodiments have differing prior art" does not satisfy the above requirement on the examiner is not agreed with. The examiner's statement is sufficient to indicate that the claimed species are such that they would require a different field of search and that the prior art applicable to one invention would not likely be applicable to another invention which are valid examples of a burden on the examiner.

The petition filed June 30, 2010 to overturn the requirement for restriction of March 3, 2010 is **DISMISSED**.

This application is being returned to the examiner to await a decision on appeal to the Board of Appeals.

Any questions or comments with respect to this decision should be forwarded to Quality Assurance Specialist Steven N. Meyers at (571) 272-6611.

Kathy Matecki

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

snm/snm: 12/1/11

SM

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

PTO/SB/420 (05-10)
Approved for use through 01/31/2011. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 41060US	Application Number (if known): 12/372,128	Filing date: February 17, 2009

First Named Inventor: John M. Hays

Title: MERCURY REMOVAL FROM HYDROCARBONS

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

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

1. By filing this petition:

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

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

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

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

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

6. Other attachments: _____

Signature /Chance E. Hardie/	Date November 4, 2010
Name (Print/Typed) Chance E. Hardie	Registration Number 55,247

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

☑ *Total of 1 forms are submitted.

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

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

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.
12/372,128	02/17/2009	John M. Hays	41060US	9104

28841 7590 11/22/2010
ConocoPhillips Company - IP Services Group
Attention: DOCKETING
600 N. Dairy Ashford
Bldg. MA-1135
Houston, TX 77079

EXAMINER
CALDAROLA, GLENN A

ART UNIT	PAPER NUMBER
1771	

NOTIFICATION DATE	DELIVERY MODE
11/22/2010	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):

Legal-IP@conocophillips.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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ConocoPhillips Company - IP Services Group
Attention: DOCKETING
600 N. Dairy Ashford
Bldg. MA-1135
Houston TX 77079

NOV 22 2010

In re Application of	:	
Hays et al.	:	DECISION ON PETITION
Application No. 12/372,128	:	TO MAKE SPECIAL UNDER
Filed: 2/17/2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. **41060US**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 11/4/2010, 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 Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1771 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

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.
12/372,146	02/17/2009	Noriaki YONEZAWA	G&P-6992	9137

EXAMINER

7590 02/24/2011
MATTINGLY & MALUR, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA, VA 22314

ART UNIT	PAPER NUMBER
2115	

MAIL DATE	DELIVERY MODE
02/24/2011	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.

Nimi Farmer

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK 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.
12/372,146	02/17/2009	Noriaki YONEZAWA	G&P-6992	9137

24956 7590 02/24/2011
MATTINGLY & MALUR, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA, VA 22314

EXAMINER
KOONTZ, TAMMY J

ART UNIT	PAPER NUMBER
3974	

MAIL DATE	DELIVERY MODE
02/24/2011	PAPER

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

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

Notice of Abandonment	Application No.	Applicant(s)	
	12/372,146	YONEZAWA ET AL.	
	Examiner	Art Unit	
	Koontz,Tammy	3974	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
   (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
   (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
   (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
   (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
   (d) ☐ No reply has been received.

2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
   (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
   (b) ☐ The submitted fee of $_____ is insufficient. A balance of $_____ is due.
   The issue fee required by 37 CFR 1.18 is $_____. The publication fee, if required by 37 CFR 1.18(d), is $_____.
   (c) ☐ The issue fee and publication fee, if applicable, has not been received.

3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
   (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
   (b) ☐ No corrected drawings have been received.

4. ☒ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

7. ☐ The reason(s) below:

/Niomi Farmer/
Office of Data Management
Art Unit: 3974

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

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.
12/372,148	02/17/2009	Yoshihiro NODA	MNL-2018-2243	9142

7590 10/15/2010
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER
TRAN, DIEM T

ART UNIT	PAPER NUMBER
3748	

MAIL DATE	DELIVERY MODE
10/15/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Mimi Farmer

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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SMITH HOPEN, PA
180 PINE AVENUE NORTH
OLDSMAR FL 34677

MAILED
MAY 20 2011
OFFICE OF PETITIONS

In re Application of	:	
Michael Bauer	:	
Application No. 12/372,183	:	DECISION ON PETITION
Filed: February 17, 2009	:	
Attorney Docket No. 1709.01.CIP	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 1, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the issue fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowance mailed November 22, 2010, is accepted as having been unintentionally delayed.

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

This application is being referred to the Office of Data Management to be processed into a patent.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DRINKER BIDDLE & REATH (DC)
1500 K STREET, N.W.
SUITE 1100
WASHINGTON, DC 20005-1209

MAILED
OCT 06 2011
OFFICE OF PETITIONS

In re Application of :
Akio Horiuchi, et al. :
Application No.: 12/372,198 : ON PETITION
Filed: February 17, 2009 :
Attorney Docket No.: 48370-0146 (434970) :

This is a decision on the petition, filed October 5, 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 September 14, 2011, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[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 2893 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DONALD E. SCHREIBER
P.O. BOX 2926
KINGS BEACH, CA 96143-2926

MAILED
JAN 11 2011
OFFICE OF PETITIONS

In re Application of	:	
John Tanaka	:	
Application No. 29/372,295	:	ON PETITION
Filing Date: November 5, 2010	:	
Attorney Docket No. 2277	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 5, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement (PTO/SB/130 form) by the applicant that he is 65 years of age or more. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6059. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 2913 for action on the merits commensurate with this decision.

Alicia Kelley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DEC 19 2011

OFFICE OF PETITIONS

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

In re Patent No. 8,036,806	: DECISION ON PATENT TERM
Issued: October 11, 2011	: ADJUSTMENT and NOTICE OF INTENT
Application No. 12/372,307	: TO ISSUE CERTIFICATE OF
Filed: February 17, 2009	: CORRECTION
Dkt. No.: 023484-0333	:

This is a decision on the petition filed on December 9, 2011 requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by 429 days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by 429 days is **GRANTED**.

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

The application is being forwarded to the Certificates of Corrections Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by 429 days.

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

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

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Adviser
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 8,036,806

DATED : December 9, 2011 **DRAFT**

INVENTOR(S) : Nakamura

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 388 days

Delete the phrase "by 388 days" and insert – by 429 days--

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

MAILED

MAR 28 2011

OFFICE OF PETITIONS

In re Application of	:	
Augustine et al.	:	DECISION ON PETITION
Application No. 12/372,360	:	TO WITHDRAW
Filed: February 17, 2009	:	FROM RECORD
Attorney Docket No. 346345-705.201	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 30, 2010.

The request is **NOT APPROVED**.

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

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

As it does not appear Rob Kostow, CFA A(Alvarez & Marsal North America) is either the first-named inventor or the assignee, the request cannot be granted. All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

The application became abandoned for failure to timely reply to the Office action mailed July 7, 2010. The Office will not decide requests to withdraw from representation as practitioner of record which are filed after the expiration date of a time period for reply or the expiration date of a time period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a). These Requests will be placed in the application but will not be treated on their merits. As such, any renewed request will not be acted on unless the instant application is revived.

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

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

August 16, 2010

In re application of	:	DECISION ON REQUEST TO
Akio Ikeda	:	PARTICIPATE IN PATENT
Serial No. 12/372,480	:	PROSECUTION HIGHWAY
Filed: February 17, 2009	:	PROGRAM AND
For: STUDLESS TIRE	:	PETITION TO MAKE SPECIAL
	:	UNDER 37 CFR 1.102(d)

This is a decision on the supplemental request to participate in the Patent Prosecution Highway (PPH) program filed August 9, 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 Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Date Mailed : 12/19/11

Patent No. : 7980863 B1
Patent Issued : **July 19, 2011**
Docket No. : **227.0057USU1**

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.

Respecting the alleged errors in the documents filed on 12/09/11; please see attachments. **"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)756-1580

PAULY, DEVRIES SMITH & DEFFNER, L.L.C.
Plaza VII-Suite 3000
45 South Seventh Street
MINNEAPOLIS MN 55402-1630

LMN

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 12/18/11

TO SPE OF : ART UNIT 2839

SUBJECT : Request for Certificate of Correction for Appl. No.: 12372499 Patent No.: 7980863

CofC mailroom date: 12/09/11

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Note: Please check Claims 6
Should the changes to the claim be approved?

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

☐ **Approved** — **All** changes apply.

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

XDenied — State the reasons for denial below.

Comments: The corrected recitation in Claim 6 "the first circuit board comprises" should be --the first circuit board comprises copper--.

/Tulsidas C Patel/ — 2839

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

GREENBERG & LIEBERMAN, LLC
2141 WISCONSIN AVE, N.W.
SUITE C-2
WASHINGTON DC 20007

MAILED
DEC 13 2011
OFFICE OF PETITIONS

In re Application of
Campagna
Application No. 12/372,517
Filed: February 17, 2009
Atty. Dkt. No.: 4669-2

: DECISION ON PETITION

This decision is in response to the petition under 37 CFR 1.137(b), filed November 29, 2011.

The petition is **GRANTED**.

This application became abandoned January 16, 2011 for failure to timely submit a proper reply in response to the non-final Office action mailed October 15, 2010. The non-final Office action set a three month shortened statutory period of time for reply. Notice of Abandonment was mailed April 25, 2011.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by: (1) the required reply to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in 37 C.F.R. § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee set forth in 37 C.F.R. § 1.20(d)) required pursuant to 37 C.F.R. § 1.137(c).

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

This application is being forwarded to Group Art Unit 2456 for further processing.

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

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SHUMAKER & SIEFFERT, P.A.
1625 RADIO DRIVE
SUITE 300
ST. PAUL MN 55125

MAILED
JUN 30 2011
OFFICE OF PETITIONS

In re Application of	:	
Merry et al.	:	
Application Number: 12/372,546	:	DECISION ON PETITION
Filing or 371(c) Date: 02/17/2009	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket Number: 1074-008US02/PB10151.06	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed on May 31, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the concurrently-filed amendment.

The petition is **DISMISSED**.

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

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

37 CFR 1.78(a)(3) states, in pertinent part:

> If the reference required by 35 U.S.C. 120 and paragraph (a)(2) of this section is presented after the time period provided by paragraph (a)(2)(ii) of this section, the claim under 35 U.S.C. 120, 121, or 365(c) for the benefit of a prior-filed **copending** nonprovisional application or international application designating the United States of America may be accepted if the reference identifying the prior-filed application by application number or international application number and international filing date was unintentionally delayed.

A review of Office PALM records indicates that the prior-filed application for which a delayed claim of benefit is being made, Application No. 10/357,301, became abandoned on March 8, 2005, prior to the filing date of the subject application, Application No. 12/372,546, filed on February 17, 2009. As such, there is a lack of copendency between the two applications. Therefore, the petition must be **dismissed**.

If copendency between the applications is desired, petitioner may wish to consider filing a petition to revive the prior-filed application for copendency with Application No. 12/372,546,

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

A reply may also be filed via the EFS-Web system of the USPTO.

The address in the petition is different than the correspondence address. A courtesy copy of this decision is being mailed to the address in the petition. All future correspondence, however, will be mailed solely to the address of record. A change of correspondence address should be filed if the correspondence address needs to be updated.

Any inquiries concerning this decision may be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

Christopher Bottorff
Petitions Examiner
Office of Petitions

Encl: SHUMAKER & SIEFFERT, P.A.
8425 SEASONS PARKWAY, SUITE 105
ST PAUL MN 55125

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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COCHRAN FREUND & YOUNG LLC
2026 CARIBOU DR
SUITE 201
FORT COLLINS CO 80525

MAILED
JUN 28 2011
OFFICE OF PETITIONS

In re Application of:
STUEBE ET AL.
Serial No.: 12/372,553
Filed: February 17, 2009
Attorney Docket No.: SAND.05USG1

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 3, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed October 22, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 23, 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)(II)(A)(2).

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $405.00, and the submission required by 37 CFR 1.114; (2) the petition fee of $810.00; and (3) a proper statement of unintentional delay.

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.

This application is being referred to Technology Center AU 3736 for processing of the submission and for appropriate action by the Examiner in the normal course of business in accordance with 37 CFR 1.114.

Any questions concerning this matter may be directed to Jose' G Dees at (571) 272-1569.

Christopher Bottorff
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

RUSS WEINZIMMER
614 NASHUA STREET
SUITE 53
MILFORD NH 03055

MAILED
SEP 30 2011
OFFICE OF PETITIONS

In re Application of	:	
VON FELDEN	:	
Application No. 12/372,581	:	DECISION ON PETITION
Filed: February 17, 2009	:	
Attorney Docket No. VONFELDEN-001	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 18, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before January 13, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed October 13, 2009, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on January 14, 2010. A Notice of Abandonment was mailed February 3, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $755 and publication fee of $300; (2) the petition fee of $810; and (3) a proper statement of unintentional delay.

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

The application is being referred to the Office of Data Management for patent processing.

/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

JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017

MAILED
JUL 22 2011
OFFICE OF PETITIONS

In re Patent No. 7,960,408 :
Application No. 12/372,699 :
Filed: February 17, 2009 : ON PETITION
Issued: June 14, 2011 :
Attorney Docket No. 11134-171-999 :

This is a decision on the petition filed June 27, 2011, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

This matter is being referred to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

It is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent regarding the above-identified patent. However, 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 may be directed to the undersigned at (571) 272-7751. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED

NOV 22 2010

OFFICE OF PETITIONS

In re Application of	:	
Hartmuth C. KOLB, et *al.*	:	
Application No. 12/372,717	:	DECISION ON PETITION
Filed: February 17, 2009	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. **2008P03744US01**	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 1, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed August 27, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 28, 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.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of corrected drawings, (2) the petition fee of $1620; and (3) an adequate statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $1,730 extension of time fee submitted with the petition on

July 1, 2010 was subsequent to the maximum extendable period for reply, petitioner may request a refund of this fee by writing to the following address: Mail Stop 16, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. A copy of this decision should accompany petitioner's request.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

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

Thurman K. Page
Petitions Examiner
Office of Petitions

Atty. Docket No.: 8605.P005 Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:	Examiner: Schechter, Andrew M
Richard Lowenthal, et al.	Art Unit: 2857
Application No. 12/372,721	Confirmation No. 1154
Filed: February 17, 2009	
For: SYSTEM AND METHOD FOR MANAGING ELECTRIC VEHICLES	

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

STATEMENT FOR BASIS FOR SPECIAL STATUS ACCOMPANYING PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Sir:

The following is a statement explaining the basis for according special status to the above-identified patent application accompanying a petition to make special under the green technology pilot program.

The above-identified patent application materially contributes to the more efficient utilization and conservation of energy resources and/or reduction in greenhouse gas emissions. While Applicant believes that the application disclosure is clear on its face that the claimed invention materially contributes to the more efficient utilization and conservation of energy resources and/or reduction in greenhouse gas emissions, below is a statement explaining why the materiality standard is met.

The invention is related to managing charging and other aspects related to a fleet of electric vehicles. The use of electric vehicles may be limited by the availability and location of charging stations. In addition, electric vehicles need to be periodically recharged in order to receive their benefits. For example, if a driver of an electric vehicle forgets to recharge the electric vehicle or improperly connects the electric vehicle to a charging station during a period of non-use (or the charging otherwise fails), this may cause that electric vehicle to be unavailable (at least through the battery) the next time it is to be used.

In one aspect of the invention, Applicants provide a way for a fleet manager to determine the charging status their fleet of electric vehicles well as monitoring charge transfer devices. In one aspect, a server monitors a plurality of electric vehicles and a plurality of charge transfer device, and receives charging information from the charge transfer devices. Based on the charging information, the charging status for each electric vehicle is determined (e.g., charging state, a fully charged state, an unknown state). The server may then generate a report that includes the charging status of the electric vehicles.

This materially contributes to the more efficient utilization and conservation of energy resources and/or reduction in greenhouse gas emissions by providing a way to monitor the charging status of a fleet of electric vehicles. By doing so, a fleet manager can determine the availability of the electric vehicles, determine the availability of charge transfer devices, and/or determine whether there are issues related to charging before they become an operational failure. For example, for a given electric vehicle, a fleet manager can determine whether that electric vehicle needs to be recharged and/or whether an error in charging has occurred. This allows the fleet manager to quickly identify charging issues (such as if an electric vehicle that should be charged is not being charged) and ensure electric fleet availability.

In view of the foregoing, Applicant respectfully submits the present application should be made special as the invention materially contributes to the more efficient utilization and conservation of energy resources.

Please charge Deposit Account No. 02-2666 for any shortage of fees in connection with this statement.

Date: November 5, 2010

/Matthew N. Nicholson/
Matthew N. Nicholson
Reg. No. 62,889

1279 Oakmead Parkway
Sunnyvale, CA 94085-4040
(408) 720-8300
Customer No.: 08791

Atty. Docket No.: 8605.P005 Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:	Examiner: Schechter, Andrew M
Richard Lowenthal, et al.	Art Unit: 2857
Application No. 12/372,721	Confirmation No. 1154
Filed: February 17, 2009	
For: SYSTEM AND METHOD FOR MANAGING ELECTRIC VEHICLES	

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

PUBLICATION STATUS ACCOMPANYING PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Sir:

In accordance with the requirements for the petition to make special under the Green Technology Pilot Program, the above-identified patent application has published as U.S. Patent Publication No. 2010-0211340 A1. The publication fee set forth in 37 CFR 1.18(d) accompanies the petition. If any additional fee is required, please charge Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: November 5, 2010

/Matthew N. Nicholson/
Matthew N. Nicholson
Reg. No. 62,889

1279 Oakmead Parkway
Sunnyvale, CA 94085-4040
(408) 720-8300
Customer No.: 08791

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

PTO/SB/420 (05-10)
Approved for use through 01/31/2011. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 8605.P005	Application Number (if known): 12/372,721	Filing date: February 17, 2009

First Named Inventor: Richard Lowenthal

Title: SYSTEM AND METHOD FOR MANAGING ELECTRIC VEHICLES

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

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

1. By filing this petition:

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

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

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

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

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

6. Other attachments: Preliminary Amendment, Statement that the App has been published, & Statement of special status

Signature /Matthew N. Nicholson/	Date November 5, 2010
Name (Print/Typed) Matthew N. Nicholson	Registration Number 62,889

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

☐ *Total of _____ forms are submitted.

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

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

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

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

(Not to be Submitted to the USPTO)

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

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

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

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

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

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

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

Privacy Act Statement

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/372,721	02/17/2009	Richard Lowenthal	8605P005	1154

8791 7590 11/24/2010
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

EXAMINER
SCHECHTER, ANDREW M

ART UNIT	PAPER NUMBER
2857	

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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BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

In re Application of	:	
LOWENTHAL et al	:	DECISION ON PETITION
Application No. 12/372,721	:	TO MAKE SPECIAL UNDER
Filed: February 17, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 8605P005	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on November 05, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

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

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

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

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

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

The application is being forwarded to the Technology Center Art Unit 2857 for action in its regular turn.

Lee W. Young
Quality Assurance Specialist
Technology Center 2800

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

PTO/SB/420 (05-10)
Approved for use through 01/31/2011. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 8605.P004	Application Number (if known): 12/372,724	Filing date: February 17, 2009

First Named Inventor: Richard Lowenthal

Title: DETECTING AND RESPONDING TO UNEXPECTED ELECTRIC VEHICLE CHARGING DISCONNECTIONS

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

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

1. By filing this petition:

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

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

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

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

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

6. Other attachments: Preliminary Amendment, Statement that the App has been published, & Statement of special status

Signature /Matthew N. Nicholson/	Date September 3, 2010
Name (Print/Typed) Matthew N. Nicholson	Registration Number 62,889

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

☐ *Total of _____ forms are submitted.

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

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

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

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

(Not to be Submitted to the USPTO)

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

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

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

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

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

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

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

Privacy Act Statement

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

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/372,724	02/17/2009	Richard Lowenthal	8605.P004	1162

8791 7590 09/09/2010
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

EXAMINER
ASSOUAD, PATRICK J

ART UNIT	PAPER NUMBER
2858	

MAIL DATE	DELIVERY MODE
09/09/2010	PAPER

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

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

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

In re Application of	:	
LOWENTHAL et al.	:	DECISION ON PETITION
Application No. 12/372,724	:	TO MAKE SPECIAL UNDER
Filed: 17 February 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 8605.P004	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on 03 September 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010).

The petition is **GRANTED**.

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

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

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

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

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

The application is being forwarded to the Technology Center Art Unit 2858 for action in its regular turn.

Lee W. Young
Quality Assurance Specialist
Technology Center 2800

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FEB 28 2012
OFFICE OF PETITIONS

MARTIN D. MOYNIHAN D/B/A PRTSI, INC.
P.O. BOX 16446
ARLINGTON VA 22215

In re Application of	:	
Eliahu M. KRITCHMAN et al.	:	
Application No. 12/372,747	:	NOTICE UNDER 37 CFR. 1.28(c)
Patent No. 8,038,427	:	
Filed: February 18, 2009	:	
Attorney Docket No. 45541		

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 Michelle R. Eason at (571) 272-4231.

Thurman K. Page
Petitions Examiner
Office of Petitions

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P.O. BOX 16446
ARLINGTON VA 22215

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JAN 12 2011

OFFICE OF PETITIONS

ON PETITION

In re Application of	:	
Zeytoun et al.	:	
Application No. 12/372,748	:	
Filed: February 18, 2009	:	
Attorney Docket No. 45542	:	

This is a decision on the petition under 37 CFR 1.182, filed December 21, 2010, to change the order of the names of the inventors and the petition under 37 CFR 1.182, filed December 21, 2010, to expedite processing of the Request for Corrected Filing Receipt.

The petitions are **GRANTED**.

Petitioner has submitted $130.00 towards the required $400.00 fee for the Expedited Request for Corrected Filing Receipt. Accordingly, the shortage of $270.00 has been charged to petitioner's deposit account as authorized on December 21, 2010.

Therefore, the requisite $400.00 fee for the petition to expedite processing under 37 CFR 1.182 submitted December 21, 2010 has been accepted.

The order of the names of the inventors will be changed as follows:

1. Igal Zeytoun
2. Eliahu M. Kritchman

A Corrected Filing Receipt reflecting the above changes is enclosed.

Telephone inquiries regarding this decision should be directed to Joan Olszewski at (571) 272-7751. All other inquiries should be directed to the Technology Center.

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

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

Enclosure: Corrected Filing Receipt

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/372,748	02/18/2009	1744	748	45542	31	3

CONFIRMATION NO. 1232

CORRECTED FILING RECEIPT

67801
MARTIN D. MOYNIHAN d/b/a PRTSI, INC.
P.O. BOX 16446
ARLINGTON, VA 22215

OC000000045394331

Date Mailed: 01/11/2011

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)

Igal Zeytoun, Avnei-Hefetz, ISRAEL;
Eliahu M. Kritchman, Tel-Aviv, ISRAEL;

Assignment For Published Patent Application

Objet Geometries Ltd., Rechovot, ISRAEL

Power of Attorney: The patent practitioners associated with Customer Number 67801

Domestic Priority data as claimed by applicant

This application is a DIV of 10/555,087 08/22/2006 PAT 7,500,846
which is a 371 of PCT/IL2004/000368 05/02/2004
which claims benefit of 60/466,731 05/01/2003

Foreign Applications

If Required, Foreign Filing License Granted: 02/27/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/372,748**

Projected Publication Date: Not Applicable

Non-Publication Request: No

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

Title

RAPID PROTOTYPING APPARATUS

Preliminary Class

425

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

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

NOT GRANTED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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MARTIN D. MOYNIHAN D/B/A PRTSI, INC.
P.O. BOX 16446
ARLINGTON VA 22215

MAILED
MAR 16 2012
OFFICE OF PETITIONS

In re Patent No. 7,896,639	:	NOTICE
Issued: March 1, 2011	:	
Application No. 12/372,748	:	
Filed: February 18, 2009	:	
Attorney Docket No. 45542	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed January 17, 2012.

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

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

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
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WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON MA 02210-2206

MAILED

JUN 10 2011

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Daniel Perlman :
Application No. 12/372,773 :
Filed: February 18, 2009 :
Attorney Docket No: **P0958.70002US00** :

This is a decision on the petition filed May 12, 2011, to revive the above-identified application, which is being treated under 37 CFR 1.137(b).

The petition is **GRANTED**.

The instant application became abandoned on May 6, 2009, for failure to timely reply to the Notice to File Missing Parts, mailed March 5, 2009, which set a two (2) month shortened statutory period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Accordingly, a Notice of Abandonment was mailed November 10, 2010.

The filing of the response to the Notice to File Missing Parts mailed March 5, 2009 is acknowledged.

The filing fees, late filing surcharge and petition fee have been charged to the credit card provided.

All other requirements having been met, this matter is being referred to the Office of Patent Application Processing for further pre-examination processing.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/372,827	02/18/2009	Keng-Hao Chang	251325-1190	1381

7590 04/01/2011
THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
600 GALLERIA PARKWAY, S.E.
STE 1500
ATLANTA, GA 30339-5994

EXAMINER
LEE, NICHOLAS J

ART UNIT	PAPER NUMBER
2627	

MAIL DATE	DELIVERY MODE
04/01/2011	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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

Application No:	12/372,873	Filing date:	February 18, 2009
First Named Inventor:	Randall S. MOORE		
Title of the Invention:	PRESSURE CYCLE OPERATED PERFORATING FIRING HEAD		

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/US10/24230

The international date of the corresponding PCT application(s) is/are: February 15, 2010

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. 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.

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

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

(continued)

Application No.:	12/372,873
First Named Inventor:	Randall S. MOORE

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

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on October 28, 2010

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

☒ Are attached.

Have already been filed in the above-identified U.S. application on October 28, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
4	4	Identical
5	5	Identical
6	6	Identical
7	7	Identical
9	9	Identical
14	14	Identical
15	15	Identical
16	16	Identical
17	17	Identical
18	18	Identical
19	19	Identical
20	20	Identical

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

Signature	/Marlin R. Smith/	Date	November 12, 2010
Name (Print/Typed)	Marlin R. Smith	Registration Number	38310

Privacy Act Statement

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

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

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

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SMITH IP SERVICES, P.C.
P.O. Box 997
Rockwall TX 75087

In re application of Moore et al. Application No. 12/372,873 Filed: February 18, 2009 For: PRESSURE CYCLE OPERATED PERFORATING FIRING HEAD	**DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed November 12, 2010, to make the above-identified application special.

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

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

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the KIPO, JPO, EPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH pilot is not grantable as per item (4) above in that examination of the U.S. application has already begun. A non-final rejection was mailed December 14, 2010.

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

BM/BM: 12/28/10

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YOUNG & THOMPSON
209 MADISON STREET, SUITE 500
ALEXANDRIA, VA 22314

MAILED

MAR 21 2011

OFFICE OF PETITIONS

In re Application of

Alexandre PERROT, *et al.*
Application No. 12/372,885
Filed: March 27, 2009
Attorney Docket No. **0579-1224**

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 11, 2011.

The request is **NOT APPROVED**.

The request to withdraw as attorney/agent of record and change of correspondence address is hereby not accepted. Petitioner has not complied with current USPTO requirements, set forth in 37 CFR 10.40 concerning Request for Withdrawal as Attorney and Change of Correspondence Address. Specifically, pursuant to 37 CFR 10.40, the Office will require the practitioner(s) to certify that he, she or they have:

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

Petitioner has not complied with the above certifications. Also, petitioner has not properly submitted forwarding correspondence address information for the application.

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

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

Inquires concerning either the examination or status of the application should be directed to the Technology Center at (571) 272-2600. Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7253.

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 10/21/11

TO SPE OF : ART UNIT 2892

SUBJECT : Request for Certificate of Correction for Appl. No.: 12372892 Patent No.: 7791083

CofC mailroom date: 10/06/11

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580
You can fax the Directors/SPE response to 571-273-3421

Note: **Should the changes in the claims be approved?**

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

☑ **Approved** — **All** changes apply.

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

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

Comments: _____

_____

_____

_____

_____

/Thao X. Le/ — **SPE AU2892**

SPE — **Art Unit**

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MERCHANT & GOULD
SCIENTIFIC ATLANTA, A CISCO COMPANY
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

MAILED
SEP 20 2010
OFFICE OF PETITIONS

In re Application of
Dean F. JERDING, et *al.*
Application No. 12/372,894
Filed: February 18, 2009
Attorney Docket No.
60374.0073USD1/CPOL968821

DECISION GRANTING PETITION
UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 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 23, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2421 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosures statement.

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

---

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

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SCIENTIFIC ATLANTA, A CISCO COMPANY
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MINNEAPOLIS MN 55402-0903

MAILED
FEB 04 2011
OFFICE OF PETITIONS

In re Application of
Dean F. Jerding et al
Application No. 12/372,894
Filed: February18, 2009
Attorney Docket No.
60374.0073USD1/CPOL968821

: DECISION GRANTING PETITION
: UNDER 37 CFR 1.313(c)(2)
:

This is a decision on the petition under 37 CFR 1.313(c)(2), filed February 3, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

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

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

This application is being referred to Technology Center AU 2421 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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P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

MAILED
APR 18 2011
OFFICE OF PETITIONS

In re Application of
Dean F. JERDING, et al.
Application No. 12/372,894
Filed: February 18, 2009
Attorney Docket No.
60374.0073USD1/CPOL968821

DECISION GRANTING PETITION
UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 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 March 11, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2421 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/372,901	02/18/2009	RYO SUZUKI	J-09-0077	1505

71799 7590 03/11/2011
Mr. Jackson Chen
6535 N. STATE HWY 161
IRVING, TX 75039

EXAMINER
ZHEN, WEI Y

ART UNIT	PAPER NUMBER
2191	

NOTIFICATION DATE	DELIVERY MODE
03/11/2011	ELECTRONIC

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

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

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

jackson.chen@necam.com
KENSAKU.SATO@NECAM.COM

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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Mr. Jackson Chen
6535 N. STATE HWY 161
IRVING TX 75039

In re Application of: R. SUZUKI
Application No. 12/372,901
Attorney Docket #: **J-09-0077**
Filed: February 18, 2009
For: **DISK ARRAY APPARATUS, METHOD FOR EXCHANGING FIRMWARE, PROGRAM FOR EXCHANGING FIRMWARE AND STORAGE MEDIUM FOR STORING PROGRAM THEREOF**

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 petition is **GRANTED.**

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

(1) The U.S. application is
(a) a Paris Convention application which either
(i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims,

Or

(b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
(i) validly claims priority to an application filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim,

Or

(c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
(i) validly claims priority to an application filed in the JPO, or

(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim.

Where the JPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the JPO application that contains the allowable/patentable claims and the JPO priority application claimed in the U.S. application.

(2) Applicant must submit a copy of:
a. The allowable/patentable claim(s) from the JPO application(s) 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 petition is **GRANTED.**

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

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

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

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

/Mano Padmanabhan/

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

UNITED STATES PATENT AND TRADEMARK 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.
12/372,948	02/18/2009	Yutaka NAGAYAMA	081749	1593

7590 11/18/2010
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON, DC 20036

EXAMINER
O BRIEN, JEFFREY D

ART UNIT	PAPER NUMBER
3677	

NOTIFICATION DATE	DELIVERY MODE
11/18/2010	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Mimi Jaenes

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/372,965	02/18/2009	Ewan R. Smith	38151-701.201	1630

21971 7590 03/06/2012
WILSON, SONSINI, GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO, CA 94304-1050

EXAMINER
STEPHAN, BETH A

ART UNIT	PAPER NUMBER
3633	

MAIL DATE	DELIVERY MODE
03/06/2012	PAPER

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

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

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MAR - 6 2012

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

In re Application of	:	
WALLIN, Arne	:	DECISION ON PETITION
Application Number: 12/372965	:	TO ADMIT AN EXHIBIT
Filed: 2/18/2009	:	AS PART OF THE RECORD
For: **ANCHOR POST**	:	UNDER 37 CFR 1.91
	:	

This is a decision on Applicant's petition filed under 37 CFR 1.91 on October 5, 2011 requesting the entry of an exhibit of a compact disc containing a video for discussion during an interview.

The petition is **GRANTED.**

Such a petition may be granted if the following criteria are met: (A) the fee set forth in § 1.17(h); and (B) an explanation of why entry of the model or exhibit in the file record is necessary to demonstrate patentability.

Applicant filed the appropriate fee with the instant petition. A review of the application shows the petition of October 5, 2011 explained that the entry of the exhibit would be discussed during an interview to help demonstrate patentability. The exhibit has been associated with file.

Any questions regarding this decision should be directed to Brian Glessner at 571-272-6754.

Katherine Matecki, Director
Technology Center 3600
571-272-5250

KM/BG: 2/23/12

LM

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : March 31, 2011

TO SPE OF : ART UNIT 2887 SPE Steve S. Paik

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/372,992 Patent No.: 7,891,565 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 title be amended as requested by applicant?

See COCIN dated 03-21-2011

Antonio Johnson

Certificates of Correction Branch

(571)272-0483 Fax – (571)270-9846

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 request for certificate of correction filed March 21, 2011 has been considered and approved.

_____ **SPE** /Steven S. Paik/ **Art Unit** 2887

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : March 31, 2011

TO SPE OF : ART UNIT 2887 SPE Steve S. Paik

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/372,992 Patent No.: 7,891,565 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 title be amended as requested by applicant?

See COCIN dated 03-21-2011

Antonio Johnson

Certificates of Correction Branch

(571)272-0483 Fax – (571)270-9846

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 request for certificate of correction filed March 21, 2011 has been considered and approved.

_____ **SPE** /Steven S. Paik/ **Art Unit** 2887

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United States Patent and Trademark Office
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LADAS & PARRY LLP
1040 AVENUE OF THE AMERICAS
NEW YORK NY 10018-3738

MAILED

MAR 14 2012

OFFICE OF PETITIONS

In re Patent No. 8,047,471 :
Application No. 12/373,000 :
Filed: February 18, 2009 :
Issued: November 1, 2011 :
Attorney Docket No. U 017627-5 :

ON PETITION

This is a decision on the petition filed December 7, 2011, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the names of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **DISMISSED**.

37 CFR 3.81(a) permits the patent to issue to the assignee, provided that, at the time the issue fee is paid the name and correct address of an assignee is provided. 37 CFR 3.81(b) permits the patent to issue in the name and correct address of an assignee if the assignment was submitted after payment of the issue fee ***but prior to issuance of a patent***. Patent and Trademark Office assignment records disclose that the most current assignment recorded May 28, 2009, Reel 022743 and Frame 0834 states the assignee's name as "EAD CONSTRUCCIONES AERONAUTICAS, S.A.". Petitioner has submitted the name of "EADS".

Accordingly, since petitioner is requesting a correction of the name of an assignee that has not yet been submitted for recordation to the Assignment Branch, issuance of a certificate of correction would not be proper. *See* MPEP Section 307.

Further, it is not apparent whether the person signing the petition was ever given a power of attorney or authorization of agent regarding the above-identified patent. However, in accordance with 37 CFR 1.34(a), the signature appearing on the request 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 may be directed to the undersigned at (571) 272-7751. Inquiries regarding the certificate of correction should be directed to the Certificate of Correction Branch at (703) 756-1814.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

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[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

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SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW CA 94041

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APR 06 2012

OFFICE OF PETITIONS

In re Patent No. 8,124,752	: DECISION ON
Bumcrot, et al.	: APPLICATION FOR
Application No. 12/373,039	: PATENT TERM ADJUSTMENT
Issue Date: February 28, 2012	: and
Filed: August 12, 2009	: NOTICE OF INTENT TO ISSUE
Attorney Docket No. 26421-15030 US	: CERTIFICATE OF CORRECTION

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 CFR 1.705(d)", filed March 12, 2012, requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the patent is extended or adjusted from forty-two (42) days to forty-six (46) days.

The petition to correct the patent term adjustment is **GRANTED** to the extent indicated herein.

On February 28, 2012, the above application issued into US Patent No. 8,124,752 with a patent term adjustment of 42 days. The Office calculated a patent term adjustment of 42 days based upon 67 days of "A"' delay, plus 47 days of "B" delay, minus 72 days of Applicant delay.

Patentees argue that the Office should have used the date the application was filed under 35 U.S.C. 371, or January 8, 2009, as the date used to calculate the number of days of "B" delay.

Patentees' argument has been considered, but is not persuasive. Because Applicants did not request early commencement (see box 3 of the Transmittal Letter), commencement occurred on January 10, 2009 (i.e. 30 months from the priority date of July 10, 2006). See MPEP 1893.03(b). Therefore the "over three year delay" period day began on January 11, 2012, and ended on February 28, 2012, a period of 49 days (not 47 days as reflected in PAIR, and not 51 days as asserted by Patentees).

In view thereof, the correct number of days of patent term adjustment is forty-four (44) days (67 days of "A" delay and 49 days of "B" delay), reduced by 72 days of Applicant delay).

The application is being forwarded to the Certificate of Corrections Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **forty-four (44) days.**

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

Enc: draft Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

DRAFT CERTIFICATE OF CORRECTION

PATENT : 8,124,752 B2

DATED : **February 28, 2012**

INVENTOR(S) : Bumcrot et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 42 days.

Delete the phrase "by 42 days" and insert – by 44 days--

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SCHMEISER, OLSEN & WATTS
22 CENTURY HILL DRIVE
SUITE 302
LATHAM, NY 12110

MAILED

MAR 3 1 2011

OFFICE OF PETITIONS

In re Application of
Hongqiang Ren, et al.
Application No. 12/373,054
Filed: January 9, 2009
Attorney Docket No.: NANJ.6275-NY

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed February 11, 2011.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before February 10, 2011, as required by the Notice of Allowance and Fee(s) Due mailed November 10, 2010. A Notice of Abandonment was subsequently mailed on February 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 the $755 issue fee and $300 publication fee; (2) the petition fee of $810; and (3) an adequate statement of unintentional delay.

The application is being referred to the Office of Data Management to be processed into a patent.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing as a patent should be directed to (571) 272-4200.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria VA 22314

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JAN 20 2012

OFFICE OF PETITIONS

In re Application of	:	
Kojiro Hamabe, et al.	:	
Application No. 12/373,067	:	DECISION GRANTING PETITION
Filed: January 9, 2009	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 8028-1080	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, January 18, 2012 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on December 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 2617 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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OFFICE OF PETITIONS

BERENATO & WHITE, LLC
6550 ROCK SPRING DRIVE
SUITE 240
BETHESDA MD 20817

In re Application of

Parker, et al.

Application No. 12/373,075

Filed: October 15, 2009

Attorney Docket No. **3603.002**

DECISION ON PETITION

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181(a), filed November 15, 2011.

The petition is **dismissed**.

This application was held abandoned October 12, 2011, after no reply was received to the Notice to File Corrected Application Papers mailed August 11, 2011. The notice set forth anon-extendable period of reply of two months from its mailing date. No response was received within the allowable period and the application became abandoned on October 12, 2011. A Notice of Abandonment was mailed October 31, 2011. The instant petition was filed on November 15, 2011. Petitioner maintains that the notice of August 11, 2011, was never received.

When, as in this case petitioner is arguing that an Office communication was not received, petitioner must establish non-receipt of the Office communication in accordance with section 711.03(c) of the *Manual of Patent Examining Procedure* that requires the following:

> To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
>
> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.
>
> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the **master docket for the firm**. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail

date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

Petitioner has not made the evidentiary showing specified above. The petition is dismissed accordingly. The renewed petition must be accompanied by a copy of petitioner's **master docket record** for the firm for the relevant period.

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, 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 concerning this decision should be directed to the undersigned (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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6550 ROCK SPRING DRIVE
SUITE 240
BETHESDA MD 20817

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OFFICE OF PETITIONS

In re Application of

Parker, et al.

Application No. 12/373,075

Filed: October 15, 2009

Attorney Docket No. **3603.002**

DECISION ON PETITION

This is a decision on the renewed petition to withdraw the holding of abandonment under 37 CFR 1.181(a), filed December 13, 2011.

The petition is **granted**.

This application was held abandoned October 12, 2011, after no reply was received to the Notice to File Corrected Application Papers mailed August 11, 2011. The notice set forth anon-extendable period of reply of two months from its mailing date. No response was received within the allowable period and the application became abandoned on October 12, 2011. A Notice of Abandonment was mailed October 31, 2011. The instant petition was filed on November 15, 2011. Petitioner maintains that the notice of August 11, 2011, was never received. A petition to withdraw the holding of abandonment under 37 CFR 1.181(a), filed November 15, 2011. The petition was dismissed by a decision mailed December 5, 2011.

When, as in this case petitioner is arguing that an Office communication was not received, petitioner must establish non-receipt of the Office communication in accordance with section 711.03(c) of the *Manual of Patent Examining Procedure* that requires the following:

> To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner
>
> where the non-received Office action would have been entered had it been received is required. A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

Petitioner has met the burden of proof as established by Section 711.03(c)(II) of the MPEP. The holding of abandonment is, therefore, withdrawn.

The application file is being forwarded to the Office of Patent Application Processing for further processing that will include re-mailing the Notice to File Corrected Application Papers and resetting of the period for reply.

Questions 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
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ALEXANDRIA, VA 22313-1450
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MAILED

MAR 03 2011

PCT LEGAL ADMINISTRATION

GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON VA 20191

In re Application of
NIRASAWA et al
Application No.: 12/373,081
PCT No.: PCT/JP2007/000755
Int. Filing Date: 12 July 2007
Priority Date: 12 July 2006
Attorney's Docket No.: P35788
For: METHOD OF REMOVING...
FROM BLOOD PRODUCTS

DECISION ON

PETITION

UNDER 37 CFR 1.181

This decision is in response to the "PETITION UNDER 37 CFR 1.181 FOR ENTRY OF CORRECTED ENGLISH TRANSLATION OF INTERNATIONAL APPLICATION," filed on 13 December 2010 correcting the literal English translation of international application PCT/JP2007/000755.

BACKGROUND

On 09 January 2009, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1), and a copy of the international application, and a translation into English of the international application were provided with the transmittal letter. However, no executed Declaration was filed at such time.

On 06 April 2009, applicant filed a second transmittal letter, which was accompanied with a submission of an executed declaration.

On 01 December 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" which informed applicant that the 371(c)(1), (c)(2) and (c)(4) date is 04/06/2009 and that the date of completion of all 35 U.S.C. 371 is 04/06/2009 .

On 13 December 2010 applicants submitted the present petition stating that applicants recognized that text from the original PCT application had been inadvertently omitted during the translation. As a result, applicants are providing a corrected literal English of the omitted paragraph.

DISCUSSION

On 13 December 2010, applicants filed a complete English translation of the international application PCT/JP2007/000755 as the omitted paragraph has now been translated into English and filed into the application. Thus, completing the requirement (c)(2) of 35 USC 371 (c)(1), (c)(2) and (c)(4). Applicants are being charged a processing fee of $130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i))) to the deposit account No.: 19-0089 as indicated in the petition.

The date that applicant competed the requirements under sections (c)(1), (c)(2), and (c)(4) of 35 USC 371 is 13 December 2010.

Consequently, the Notification of Acceptance (Form PCT/DO/EO/903) mailed on 01 December 2009 was erroneous as applicants did not provide a proper translation of the international application.

DECISION

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

The Notification of Acceptance (Form PCT/DO/EO/903) mailed on 01 December 2009 is **VACATED** with the mailing of this decision.

A new Notification of Acceptance (Form PCT/DO/EO/903) will be mailed in accordance with this decision

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371. The 35 USC 371(c)(1), (c)(2), and (c)(4) date and the date of completion of all 35 USC 371 requirements of this application is **13 December 2010.**

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

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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

OCT 15 2010

OFFICE OF PETITIONS

Applicant: Hettinga, et al.
Appl. No.: 12/373,082
International Filing Date: July 9, 2007
Title: Method and Device to Measure The Level of Pressurized Liquid in a Siphon Container
Attorney Docket No.: PAT 62121W-2
Pub. No.: 2009/0308893 A1
Pub. Date: December 17, 2009

This is a decision on the request for correction of patent application publication under 37 CFR 1.221(b), received on January 28, 2010, for the above-identified application.

The request is granted.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

On September 8, 2009, a Filing Receipt was mailed by the Office, which incorrectly listed the priority data. 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.

Applicants are encouraged to submit the Application Data Sheet (PTO/SB/14 or eADS) 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)
571-272-4100 (local)
E-mail: **ebc@uspto.gov**

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Oblon, Spivak, Mcclelland Maier & Neustadt, L.L.P.
1940 Duke Street
Alexandria VA 22314

MAILED
JAN 20 2012
PCT LEGAL ADMINISTRATION

In re Application of :
LODOLO, Alberto :
Application No.: 12/373,155 :
PCT No.: PCT/EP06/66470 : DECISION
Int. Filing Date: 18 September 2006 :
Priority Date: None :
Atty. Docket No.: 336999US6PCT :
For: SERVO-OPERATED VALVE

This decision is issued in response to applicants' "Request for Corrected Notice of Acceptance" filed 29 October 2009.

BACKGROUND

On 18 September 2006, applicant filed international application PCT/IB2008/055415 which claimed no proirity date. 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 international filing date, 18 March 2009.

On 09 January 2009, applicant filed a Transmittal Letter (PTO-1390) requesting entry into the national stage in the United States of America under 35 U.S.C. 371. Filed with the Transmittal Letter were, *among others*, the requisite basic national fee; a copy of the international application; and an application data sheet. Applicant did not mark Box 3 on the transmittal letter (PTO-1390) which states "[t]his is an express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Article 22 and 39(1)."

On 11 February 2009, applicant submitted an executed declaration of inventorship.

On 13 October 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification of Acceptance of Application under 35 U.S.C. 371 AND 37 CFR 1.495" (Form PCT/DO/EO/903) which set forth the date of receipt 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) requirements as 11 February 2009 and a 35 U.S.C. 371 completion date of 18 March 2009.

On 29 October 2009, applicant filed "Request for Corrected Notice of Acceptance" considered herein.

DISCUSSION

The present petition requests a corrected Notification Of Acceptance identifying the "Date Of Completion Of All 35 U.S.C. 371 Requirements" as 11 February 2009.

The application materials filed by applicant on 09 January 2009 (basic national fee and copy of international application) and 11 February 2009 (oath/declaration) satisfied the requirements of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4). However, the 09 January 2009 submission did not request immediate examination of the national stage application (the box for making such a request was not checked on the Form PTO-1390 transmittal letter filed by applicant). Where, as here, applicant did not make a request for immediate examination, the proper "Date Of Completion Of All 35 U.S.C. 371 Requirements" on the Form PCT/DO/EO/903 is the date thirty months from the international filing date (since no priority date was claimed), not the date on which the requirements of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) were submitted.[1] See MPEP § 1893.03(b). Accordingly, the "Date Of Completion Of All 35 U.S.C. 371 Requirements" indicated on the Notification Of Acceptance (18 March 2009) is correct, as this is the date thirty months from the priority date. The requested modification of the Notification Of Acceptance would therefore be inappropriate.

CONCLUSION

Applicant's request for the issuance of a corrected Notification of Acceptance of Application under 35 U.S.C. 371 and 37 CFR 1.495 is **REFUSED**.

The United States Designated/Elected Office (DO/EO/US) will be instructed to re-issue a Notification Of Acceptance (Form PCT/DO/EO/903) which set forth the date of receipt 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) requirements as 11 February 2009 and a 35 U.S.C. 371 completion date of 18 March 2009 and a corrected filing receipt which identifies 11 February 2009 as the filing date.

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

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

---

[1]As stated above, applicant did not mark Box 3 on the transmittal letter (PTO-1390) which states, "[t]his is an express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Article 22 and 39(1)."

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02 SEP 2010

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26753
ANDRUS, SCEALES, STARKE & SAWALL, LLP
100 East Wisconsin Avenue, Suite 1100
Milwaukee, WI 53202

In re Application of :
PARK, Sang Jae :
U.S. Application No.: 12/373,162 :
Filing Date: January 9, 2009 :
Attorney's Docket No.: 5424-00003 : **DECISION**
For: METHOD FOR PREPARATION OF :
EXTRACT FROM ANGELICA GIGAS :
NAKAI AND COMPOSITION :
CONTAINING THE EXTRACT :

This decision is in response to the petition filed 16 June 2010.

BACKGROUND

On 09 January 2010, applicants entered the national stage of PCT/KR2007/005088 using the USPTO EFS-Web system. As such, the Office processed the application as the national stage of PCT/KR2007/005088 as requested. However, the title and inventor did not correspond to the ones names in the international application.

On 28 April 2010, a communication was mailed requesting clarification on the PCT number. Applicants were given two months to respond.

On 16 June 2010, applicants filed the subject petition to convert to a 35 U.S.C. 111(a) application which was accompanied by, *inter alia*, an executed declaration and a $400.00 petition fee.

DISCUSSION

In the instant petition, applicants request to convert the above-captioned national stage application to a filing under 35 U.S.C. 111(a) with no priority claim. A $400.00 petition fee has been paid.

U.S. Statutes and Regulations do not make specific provision for the requested action and as such the Office does not grant such petitions for conversion as a mere matter of course. The Office will only grant such petitions upon a showing by applicant of sufficient cause.

In the present petition, applicants had no right to file the subject application as a

national stage of PCT/KR2007/005088. As such, conversion of the application to a filing under 35 U.S.C. 111(a) with no priority claim is appropriate.

CONCLUSION

For the above reasons, the petition to convert the national stage filing into a filing under 35 U.S.C. §111 is **GRANTED**.

This application is accepted as an application filed under 35 U.S.C. §111(a) with a filing date of January 9, 2009.

This application is being forwarded to the Office of Patent Application Processing for further action consistent with this decision.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel: 571-272-3302

Doc Code: PET.AUTO **Document Description: Petition automatically granted by EFS-Web**	PTO/SB/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	12373198
Filing Date	16-Apr-2009
First Named Inventor	Liam Grover
Art Unit	1656
Examiner Name	SUZANNE NOAKES
Attorney Docket Number	NNL-1001
Title	FIBROUS CALCIUM PYROPHOSPHATE PARTICLES AND METHODS OF MAKING AND USING SAME

◉ 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(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	Liam M. Grover c/o Serge Shahinian Goudreau Gage Dubuc SENCLR LLP
Address	2000 MgGill College #2200
City	Montreal, Quebec
State	
Postal Code	H3A 3H3
Country	CA

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Maxwell J. Petersen/
Name	Maxwell J. Petersen
Registration Number	32772

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 : June 1,2011

In re Application of :

Liam Grover

Application No : 12373198

Filed : 16-Apr-2009

Attorney Docket No : NNL-1001

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 June 1,2011

The request is **APPROVED.**

The request was signed by Maxwell J. Petersen (registration no. 32772) 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	Liam M. Grover c/o Serge Shahinian
Name2	Goudreau Gage Dubuc SENCLR LLP
Address 1	2000 MgGill College #2200
Address 2	
City	Montreal, Quebec
State	
Postal Code	H3A 3H3
Country	CA

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

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

Office of Petitions

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EDWIN D. SCHINDLER
4 HIGH OAKS COURT
P.O. BOX 4259
HUNTINGTON NY 11743-0777

MAILED

AUG 15 2011

OFFICE OF PETITIONS

In re Application of	:	
Fancke	:	
Application No. 12/373,211	:	DECISION
Filed/Deposited: 9 January, 2009	:	
Attorney Docket No. (None)	:	

This is a decision on the papers filed on 11 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

The record reflects as follows:

Applicant failed to reply timely and properly to the non-final Office action mailed on 29 December, 2010, with reply due absent extension of time on or before 29 March, 2011.

The application went abandoned by operation of law after midnight 29 March, 2011.

It does not appear that the Office mailed the Notice of Abandonment before a petition was filed.

On 11 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, a reply in the form of an amendment, and made the statement of unintentional delay.

The Office mailed the Notice of Abandonment on 12 July, 2011.

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

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

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

STATUTES, REGULATIONS AND ANALYSIS

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

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

---

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

[2] 35 U.S.C. §133 provides:

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

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

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

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 2832 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.

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

---

[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 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

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Alexandria, VA 22313-1450
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JUL 19 2011

PCT LEGAL ADMINISTRATION

BAKER BOTTS L.L.P.
30 ROCKEFELLER PLAZA
44TH FLOOR
NEW YORK NY 10112-4498

In re Application of	:	
YEUNGLING, Jo-Ann, et al.	:	
Application No.: 12/373,240	:	
PCT No.: PCT/US2007/073250	:	
Int. Filing Date: 11 July 2007	:	DECISION
Priority Date: 11 July 2006	:	
Att. Docket No.: 070457.2568	:	
For: WEARABLE CONTACTLESS	:	
PAYMENT DEVICES	:	

Applicant's petition under 37 CFR 1.137(b), filed in the United States Patent and Trademark Office on 16 May 2011, is **GRANTED**.

Applicant's statement of unintentional delay is construed to mean 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). If this is not a correct interpretation, applicant must notify the Office immediately. The appropriate reply and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

The fee for a five month extension of time is not required and will be refunded to deposit account no. 02-4377, as authorized.

This application is being referred to the National Phase Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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JUN 14 2011

OFFICE OF PETITIONS

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

In re Application of :
Gerardus Johannes Josef Maria Meeuws, et al. :
Application No. 12/373,267 : ON PETITION
Filed: September 16, 2009 :
Attorney Docket No.: 027280-000900US :

This is a decision in response to the petition, filed May 3, 2011, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed October 25, 2010, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on January 26, 2011. This decision precedes the mailing of a Notice of Abandonment. On May 3, 2011, the present petition was filed, along with an amendment and a petition for extension of time.

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

Extensions of time under 37 CFR 1.136 are available only if asked for prior to or within the response period set by statute. In no case, however, may an applicant respond later than the maximum time period set by statute. The extension of time submitted May 3, 2011 was filed when the provisions of 37 CFR 1.136 could no longer be used. Therefore, this application became abandoned when the unextended time for response had expired. Since no extension of time fees are due on a petition for revival, the $555 extension fees submitted after abandonment are being credited to counsel's deposit account.

The application is being referred to Technology Center AU 3643 for appropriate action by the Examiner in the normal course of business on the amendment filed May 3, 2011.

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

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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FULBRIGHT & JAWORSKI L.L.P.
98 SAN JACINTO BOULEVARD
SUITE 1100
AUSTIN TX 78701-4255

MAILED
SEP 22 2011
OFFICE OF PETITIONS

In re Patent No. 7,960,339 :

Issue Date: June 14, 2011 :

Application No. 12/373,272 : ON PETITION

Filed: January 9, 2009 :

Attorney Docket No. SONN:146US/10815635

This is a decision on the petition filed August 5, 2011, which is being treated as a request under 37 CFR 3.81(b)[1] to correct 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 matter may be directed to the undersigned at (571) 272-3222. Any questions concerning the issuance of the Certificate of Correction should be directed to the Certificates of Correction Branch.

The file is being forwarded to the Certificate of Correction Branch for issuance of the requested Certificate of Correction.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

[1] See *Official Gazette* of June 22, 2004.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

November 17, 2011

MacMillan, Sobanski & Todd, LLC - NIH/OSU
One Maritime Plaza
5th Floor, 720 Water Street
Toledo OH 43604

Re Application of
TSAI, JAO-HSING
Application: **12/688941**
Filed: **01/18/2010**
Attorney Docket No: **59910-1877**

: DECISION ON PETITION
: ACCEPTANCE OF COLOR
: DRAWINGS

This is a decision on the Renewal of Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) January 12, 2009.

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

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

   "The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

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

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

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/373,384	03/25/2009	Dal-Hoon Lee	3563-0112PUS1	1189

2292 7590 11/16/2010
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER
BOATENG, ALEXIS ASIEDUA

ART UNIT	PAPER NUMBER
2858	

NOTIFICATION DATE	DELIVERY MODE
11/16/2010	ELECTRONIC

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

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

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

mailroom@bskb.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

In re Application of	
LEE et al.	**: DECISION ON REQUEST TO**
Application No.: 12/373,384	**: PARTICIPATE IN THE PATENT**
Filed: 25 March 2009	**: PROSECUTION HIGHWAY**
Attorney Docket No.: 3563-0112PUS1	**: PROGRAM AND PETITION**
For: CIRCUIT CURRENT	**: TO MAKE SPECIAL UNDER**
BALANCING METHOD AND	**: 37 CFR 1.102(d)**
APPARATUS FOR BATTERY	
APPARATUS	

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 04 October 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application is

   a. a Paris Convention application which either
      i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or
      ii. validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims,

   or

   b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
      i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
      ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
      iii. contains no priority claim,

   or

   c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application

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

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the KR application(s);
   b. An English translation of the allowable/patentable claim(s), and
   c. A statement that the English translation is accurate (if the claims were published in a language other than English);
3. Applicant must:
   a. Ensure that all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KR application(s), and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
   b. An English language translation of the KIPO office action; and
   c. A statement that the English translation is accurate (if the office actions are not in the English language);
6. Applicant must submit:
   a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and
   b. Copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application);

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

Any response must be submitted via EFS-Web.

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

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

Lee W. Young
TQAS
Technology Center 2800

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Christa Hildebrand
Norris McLaughlin & Marcus PA
875 Third Avenue, 8th Floor
New York NY 10022

MAILED

NOV 05 2010

PCT LEGAL ADMINISTRATION

In re Application of
MITRA, et al.
U.S. Application N.: 12/373,432
PCT No.: PCT/EP2007/005626
Int. Filing Date: 26 June 2007
Priority Date: 13 July 2006
Attorney Docket No.: 107373-11
For: APPARATUS FOR HOMOGENIZING LIGHT AND LASER APPARATUS FOR PRODUCING A LINEAR INTENSITY DISTRIBUTION IN A WORK PLANE

DECISION ON PETITION

This decision is issued in response to applicants' "Response to Notice to File Missing Requirements" filed 28 December 2009 and applicants' "Request for Refund" filed 29 December 2009.

Request for Refund

Applicants request a refund in the amount of $245. 37 CFR 1.26 permits an applicant who has mistakenly paid an excess fee to seek a refund for such payment. Where an applicant has paid a full fee and subsequently seeks a refund based on small entity status, the version of 37 CFR 1.28(a) in effect at the time of the refund request stated that the request had to be submitted within two months of the payment of the full fee. Here, the "Request For Refund" was submitted within the two months after applicants' payment of the $490 extension of time fee. Accordingly applicants are entitled to a refund of $245 (one half of the two-month extension of time fee). It is noted that applicants' deposit account was credited $245 on 06 January 2010.

The request for refund is GRANTED.

Declaration submitted 28 December 2009

The Notification of Missing Requirements requested that applicants provide a statement of clarification regarding the name of the third inventor. Specifically, the published international application identifies the third inventor as Heiko Ganser, whereas the 16 April 2009 declaration identified the (third) inventor as Heiko Sebastian. In response to

the Notification of Missing Requirement, applicants submitted a declaration which was executed by the inventor as Heiko Ganser. However, the 28 December 2009 submission does not clarify the name of the inventor issue, in that, the submission does not explain why the inventor has executed the declaration as both Heiko Sebastian and Heiko Ganser. Therefore, the third inventor is required to submit a signed statement clarifying his/her name.

It is noted that, in instances where an inventor has officially changed his or her name after the international application has been filed, the Manual of Patent Examining Procedure at § 605.04(c) requires a petition under 37 CFR 1.182. The petition must include the appropriate petition fee and an affidavit signed with both names setting forth the procedure whereby the change of name was effected, or certified copy of the court order.

A proper reply must be filed within ONE MONTH from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a). Failure to file a timely and proper response will result in abandonment of the application.

A proper response must include a proper declaration in compliance with 37 CFR 1.497 (a) and (b) executed by all of the originally named inventors and a statement from the applicant/inventors clarifying the third inventor's name. If the third inventor has changed his/her name, a petition under 37 CFR 1.182 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
Tel: (571) 272-3298

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Christa Hildebrand
Norris McLaughlin & Marcus PA
875 Third Avenue, 8th Floor
New York NY 10022

MAILED

DEC 16 2010

PCT LEGAL ADMINISTRATION

In re Application of
MITRA, et al.
U.S. Application N.: 12/373,432
PCT No.: PCT/EP2007/005626
Int. Filing Date: 26 June 2007
Priority Date: 13 July 2006
Attorney Docket No.: 107373-11
For: APPARATUS FOR HOMOGENIZING LIGHT AND LASER APPARATUS FOR PRODUCING A LINEAR INTENSITY DISTRIBUTION IN A WORK PLANE

DECISION ON PETITION

This decision is issued in response to applicants' "Petition under 37 CFR 1.182" filed 01 December 2010. Applicants are notifying the Office that the name of the third inventor is Heiko Sebastian as indicated on the declaration rather than the name indicated on the published international application.

DISCUSSION

In the published international application, the third inventor was identified as Heiko Ganser. On the declaration filed 16 April 2009, the inventor was identified as Heiko Sebastian. 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).

Applicants are requesting to change the name of the third inventor from Heiko Ganser to Heiko Sebastian. Accordingly, the present submission has been treated as a petition under 37 CFR 1.182 to correct the name of the third 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 certified copy of the court order."

Here, applicants' submission included the required fees, satisfying the petition fee requirement. As for the affidavit requirement, applicants have submitted an "Affidavit" regarding the name change. This affidavit states that the inventor's surname was changed, and that his name was legally changed to Heiko Sebastian as a result of marriage.

Based on applicants' statements herein, it is accepted that the correct full names for the third inventor herein is Heiko Sebastian, as set forth on the declaration filed 16 April 2009.

CONCLUSION

Applicants' petition under 37 CFR 1.182 to correct the name of record for the first inventor herein is GRANTED.

This application is being forwarded to the United States Designated/Elected Office for further processing and for review of the national stage papers submitted 01 December 2010.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LOWE HAUPTMAN HAM & BERNER, LLP
1700 DIAGONAL ROAD
SUITE 300
ALEXANDRIA VA 22314

MAILED

DEC 02 2011

OFFICE OF PETITIONS

In re Application of	:	
June Woo Park et al.	:	
Application No. 12/373,460	:	DECISION ON PETITION
Filed: January 12, 2009	:	
Attorney Docket No. **5065-0002**	:	

This is a decision on the petition under 37 CFR 1.182, filed November 18, 2011, to change the order of the names of the inventors.

The petition is **GRANTED**.

Office records have been corrected to reflect the change in the order of the named inventors. A corrected Filing Receipt, which sets forth the desired order of the named inventors, accompanies this decision on petition.

This application is being referred to the Office of Data Management for normal course of business.

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

JoAnne Burke
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/373,460	01/12/2009	2886	1102	5065-0002	32	2

CONFIRMATION NO. 1602

CORRECTED FILING RECEIPT

OC000000051232615

22429
LOWE HAUPTMAN HAM & BERNER, LLP
1700 DIAGONAL ROAD
SUITE 300
ALEXANDRIA, VA 22314

Date Mailed: 12/01/2011

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)

Deug Woo Lee, Busan, KOREA, REPUBLIC OF;
Soo Chang Choi, Busan, KOREA, REPUBLIC OF;
Jung Woo Park, Gyeongsangnam-do, KOREA, REPUBLIC OF;

Power of Attorney: The patent practitioners associated with Customer Number 22429

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/KR06/05675 12/22/2006

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.)
REPUBLIC OF KOREA 10-2006-0065664 07/13/2006
REPUBLIC OF KOREA 10-2006-0126116 12/12/2006

If Required, Foreign Filing License Granted: 09/16/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/373,460**

Projected Publication Date: Not Applicable

Non-Publication Request: No

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

Title

STAGE WITH DISPLACEMENT MAGNIFICATION MECHANISM FOR MEASURING

Preliminary Class

356

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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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/373,462	01/12/2009	Andrew Bodlovich	17532/002001	1612

22511 7590 03/03/2011
OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON, TX 77010

EXAMINER
SMITH, KIMBERLY S

ART UNIT	PAPER NUMBER
3644	

NOTIFICATION DATE	DELIVERY MODE
03/03/2011	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):

docketing@oshaliang.com
buta@oshaliang.com
hathaway@oshaliang.com

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Alexandria, VA 22313-1450
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MAR - 2 2011

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

In re application of	:	**DECISION ON REQUEST TO**
Bodlovich et al.	:	**PARTICIPATE IN PATENT**
Application No. 12/373,462	:	**PROSECUTION HIGHWAY**
Filed: January 12, 2009	:	**PROGRAM AND PETITION**
For: AQUAPONICS SYSTEM	:	**TO MAKE SPECIAL UNDER**
	:	**37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed January 21, 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 the latest Office action 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;
(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 via EFS-Web as is required, 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: 03/01/11

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

MAILED

AUG 27 2010

OFFICE OF PETITIONS

In re Application of Michelle Govan Application No. 12/373,467 Filed: May 6, 2009 Attorney Docket No. 097158-0110	DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 30, 2010.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Foley and Lardner, LLP has been revoked by the assignee of the patent application on August 6, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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K&L Gates LLP
P. O. BOX 1135
CHICAGO, IL 60690

MAILED

JUN 03 2011

OFFICE OF PETITIONS

In re Application of
Katsuhiro TOMODA, et *al.*
Application No. 12/373,479
Filed: January 12, 2009
Attorney Docket No. **3712174.01127**

DECISION GRANTING PETITION
UNDER 37 CFR 1.313(c)(2)

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

The petition is **GRANTED**.

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

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

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2812 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

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

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

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ALEXANDRIA, VA 22313-1450
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SUTHERLAND ASBILL & BRENNAN LLP
999 PEACHTREE STREET, N.E.
ATLANTA GA 30309

MAILED
AUG 17 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
Aspelund AUDUN	:	
Application No.: 12/373,551	:	
PCT No.: PCT/GB2007/002712	:	PETITION
Int. Filing Date: 18 July 2007	:	
Priority Date: 18 July 2006	:	
Attorney's Docket No.: 19727-0018	:	
For: APPARATUS AND... PROCESSING	:	UNDER 37 CFR 1.182

This decision is in response to the "PETITION UNDER 37 CFR 1.182" filed on 22 June 2011 to accept entry of the above identified application into the national stage with the correct PCT number of PCT/GB2007/002712. The petition fee of $400.00 has been charged to petitioner's deposit account no.: 19-5029.

BACKGROUND

In a communication from this Office on 16 June 2011, it indicated that applicant needed to correct the PCT serial number as the Transmittal Letter and the Electronic Acknowledge Receipt identified different international applications.

On 22 June 2011, petitioner filed a petition under 37 CRF 1.182 stating that at the time of filing the application, the priority number was incorrectly entered as PCT/US07/02712 during filing via electronic EFS-Web.

DISCUSSION

Petitioner states that the PCT number was incorrectly entered as PCT/US07/02712 rather than the correct number PCT/GB2007/002712.

Although applicants entered the incorrect PCT serial number due to a typographical error at the time of filing the application via electronic EFS-Web as identified as such on the Electronic Acknowledgment Receipt, the correct PCT serial number PCT/GB2007/002717 was placed on the transmittal letter, and on the ADS. Accordingly, there is sufficient evidence that the correct international application PCT number is **PCT/GB2007/002717**.

Therefore, the petition to accept the correct PCT number of **PCT/GB2007/002717** 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: —

DATE : 5/3/2011

TO SPE OF : ART UNIT 2874

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/373564 Patent No.: 7916992 B2

CofC mailroom date: 4/20/2011

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Virginia Tolbert
Certificates of Correction Branch
571-272-0460

Thank You For Your Assistance

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

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

Comments: The Request for Certificate of Correction filed 04/20/2011 for the purpose of correcting the Pub. date of the PCT WO2008/010502.

/UYEN-CHAU N LE/ — **SPE**

2874 — **Art Unit**

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

MAILED
APR 01 2011
PCT LEGAL ADMINISTRATION

In re Application of NORLIN	:	
U.S. Application No.: 12/373,578	:	
PCT Application No.: PCT/SE2006/000882	:	
Int. Filing Date: 13 July 2006	:	DECISION
Priority Date Claimed: none	:	
Attorney Docket No.: P08,0409 (27009-0286)	:	
For: AN IMPLANTABLE CARDIAC	:	
STIMULATION DRUG RELEASING ELECTRODE	:	

This is in response to applicant's correspondence filed 17 February 2010, which is being treated as a petition under 37 CFR 1.182.

BACKGROUND

On 13 July 2006, applicant filed international application PCT/SE2006/000882. A copy of the international application was communicated to the USPTO from the International Bureau on 17 January 2008. The thirty-month period for paying the basic national fee in the United States expired on 13 January 2009.

On 13 January 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 02 October 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 01 December 2009, applicant filed an executed declaration.

On 20 January 2010, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which identified a discrepancy with respect to the surname of the inventor.

On 17 February 2010, applicant filed the present petition under 37 CFR 1.182.

DISCUSSION

The international application lists the name of the inventor as "Anna Norlin", whereas the declaration lists the name of the inventor as "Anna Norlin Weissenrigoer".

MPEP 1893.01(e) states in relevant part,

> Where there has been no change of inventorship but the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c).

In the present case, the petition states that the name of the inventor has changed to "Anna Norlin-Weissenrieder" due to marriage. MPEP 605.04(c) states, "The petition must include an appropriate petition fee and a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a copy of the court order." The requisite $400.00 petition fee will be charged to Deposit Account No. 50-1519 as authorized in the transmittal letter submitted on 13 January 2009. However, the statement from the inventor cannot be accepted. In particular, the inventor states, "Because, at the time I signed the Declaration on January 14, 2009 for the above-referenced United States national stage application, my name legally was and is Anna Norlin-Weissenrigoer, I signed the Declaration as Anna Norlin-Weissenrieder." (Emphasis added.) This statement cannot be correct because the name stated on the declaration is Anna Norlin-Weissenrigoer. Furthermore, if the inventor's surname is "Norlin-Weissenrieder", then the declaration is improper because it incorrectly lists the inventor's surname as "Norlin-Weissenrigoer".

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 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. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.182". 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

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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ALEXANDRIA, VA 22313-1450
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JUL 27 2011

PCT LEGAL ADMINISTRATION

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

In re Application of NORLIN	:	
U.S. Application No.: 12/373,578	:	
PCT Application No.: PCT/SE2006/000882	:	
Int. Filing Date: 13 July 2006	:	DECISION
Priority Date Claimed: none	:	
Attorney Docket No.: P08,0409 (27009-0286)	:	
For: AN IMPLANTABLE CARDIAC	:	
STIMULATION DRUG RELEASING ELECTRODE	:	

This is in response to applicant's renewed petition under 37 CFR 1.182 filed 31 May 2011.

BACKGROUND

On 13 July 2006, applicant filed international application PCT/SE2006/000882. A copy of the international application was communicated to the USPTO from the International Bureau on 17 January 2008. The thirty-month period for paying the basic national fee in the United States expired on 13 January 2009.

On 13 January 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 02 October 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 01 December 2009, applicant filed an executed declaration.

On 20 January 2010, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which identified a discrepancy with respect to the surname of the inventor.

On 17 February 2010, applicant filed a petition under 37 CFR 1.182.

On 01 April 2011, this Office mailed a decision dismissing the 17 February 2010 petition.

On 31 May 2011, applicant filed the instant renewed petition under 37 CFR 1.181.

DISCUSSION

The international application lists the name of the inventor as "Anna Norlin", whereas the declaration lists the name of the inventor as "Anna Norlin Weissenrigoer".

MPEP 1893.01(e) states in relevant part,

> Where there has been no change of inventorship but the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c).

In the present case, the petition states that the name of the inventor has changed to "Anna Norlin-Weissenrieder" due to marriage. MPEP 605.04(c) states, "The petition must include an appropriate petition fee and a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a copy of the court order." The requisite $400.00 petition fee will be charged to Deposit Account No. 50-1519 as authorized in the transmittal letter submitted on 13 January 2009. Furthermore, the requisite statement from the inventor has been submitted. However, the declaration filed 01 December 2009 is improper because it incorrectly lists the inventor's surname as "Norlin-Weissenrigoer".

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 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. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.182". 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

Telephone: 571-272-3303
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SCHIFF HARDIN, LLP
PATENT DEPARTMENT
233 S. WACKER DRIVE-SUITE 6600
CHICAGO, IL 60606-6473

MAILED

NOV 03 2011

PCT LEGAL ADMINISTRATION

In re Application of NORLIN WEISSENRIEDER	:	
U.S. Application No.: 12/373,578	:	
PCT Application No.: PCT/SE2006/000882	:	
Int. Filing Date: 13 July 2006	:	DECISION
Priority Date Claimed: none	:	
Attorney Docket No.: P08,0409 (27009-0286)	:	
For: AN IMPLANTABLE CARDIAC	:	
STIMULATION DRUG RELEASING ELECTRODE	:	

This is in response to applicant's renewed petition under 37 CFR 1.182 filed 21 September 2011.

BACKGROUND

On 13 July 2006, applicant filed international application PCT/SE2006/000882. A copy of the international application was communicated to the USPTO from the International Bureau on 17 January 2008. The thirty-month period for paying the basic national fee in the United States expired on 13 January 2009.

On 13 January 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 02 October 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 01 December 2009, applicant filed an executed declaration.

On 20 January 2010, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which identified a discrepancy with respect to the surname of the inventor.

On 17 February 2010, applicant filed a petition under 37 CFR 1.182.

On 01 April 2011, this Office mailed a decision dismissing the 17 February 2010 petition.

On 31 May 2011, applicant filed a renewed petition under 37 CFR 1.182.

On 27 July 2011, this Office mailed a decision dismissing the 31 May 2011 petition.

On 21 September 2011, applicant filed the instant renewed petition under 37 CFR 1.182.

DISCUSSION

The international application lists the name of the inventor as "Anna Norlin", whereas the declaration lists the name of the inventor as "Anna Norlin Weissenrigoer".

MPEP 1893.01(e) states in relevant part,

> Where there has been no change of inventorship but the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c).

In the present case, the petition states that the name of the inventor has changed to "Anna Norlin-Weissenrieder" due to marriage. MPEP 605.04(c) states, "The petition must include an appropriate petition fee and a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a copy of the court order." The requisite petition fee has been furnished. Furthermore, the requisite statement from the inventor has been submitted.

Although the inventor's surname on the declaration is not completely clear, the statement in the petition that the surname is indeed written as "Norlin-Weissenrieder" is nevertheless accepted. Applicant may wish to submit an application data sheet to insure that the inventor's name is printed correctly on any patent that issues from the present application.

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.182 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 13 July 2006, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 01 December 2009.

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

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	12373609
Filing Date	26-Apr-2010
First Named Inventor	Martin Munzer
Art Unit	3688
Examiner Name	NARESH VIG
Attorney Docket Number	026939-00040
Title	METHOD AND SYSTEM FOR TRACKING AND COMPENSATION OF DISTRIBUTORS VIA UNIQUE CODES

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 04372

The reason(s) for this request are those described in 37 CFR:

10.40(c)(1)(vi)

Certifications

☒ I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment

☒ I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled

☒ I/We have notified the client of any responses that may be due and the time frame within which the client must respond

Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:

Name	Martin MUNZER
Address	6569 NW 103 Terrace
City	Parkland
State	FL
Postal Code	33076
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Seth Barney/
Name	Seth Barney
Registration Number	61187

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : May 27,2011

In re Application of :

Martin Munzer

Application No : 12373609

Filed : 26-Apr-2010

Attorney Docket No : 026939-00040

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

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

The request is **APPROVED.**

The request was signed by Seth Barney (registration no. 61187) on behalf of all attorneys/agents associated with Customer Number 04372 . All attorneys/agents associated with Cusotmer Number 04372 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	Martin MUNZER
Name2	
Address 1	6569 NW 103 Terrace
Address 2	
City	Parkland
State	FL
Postal Code	33076
Country	US

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

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

Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/373,748	01/14/2009	Paul O'Connor	ID0014US	2585

90394 7590 08/04/2010
Kior Inc.
13001 Bay Park Rd.
Pasadena, TX 77507

EXAMINER

ART UNIT	PAPER NUMBER
1651	

MAIL DATE	DELIVERY MODE
08/04/2010	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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AUG 0 4 2010

Kior Inc.
13001 Bay Park Rd.
Pasadena TX 77507

In re Application of	:	
O'CONNOR Paul et al.	:	DECISION ON PETITION
Application No. 12/373748	:	TO MAKE SPECIAL UNDER
Filed: January 14, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. ID0014US	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed July 21, 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 **DISMISSED**.

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

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

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

by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

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

The petition lacks item(s) 3 and 4.

In regard to item 3, petitioner should note that the instant petition fails to state the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice.

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

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

Telephone inquiries concerning this decision should be directed to Manjunath Rao at 571-272-0939.

The application is being forwarded to the Technology Center Art Unit 1651 for action in its regular turn.

/Manjunath Rao/

Manjunath Rao
Supervisory Patent Examiner
Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/373,748	01/14/2009	Paul O'Connor	ID0014US	2585

90394 7590 09/20/2010
Kior Inc.
13001 Bay Park Rd.
Pasadena, TX 77507

EXAMINER

ART UNIT	PAPER NUMBER
1651	

MAIL DATE	DELIVERY MODE
09/20/2010	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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SEP 1 7 2010

Kior Inc.
13001 Bay Park Rd.
Pasadena TX 77507

In re Application of	:	
O'CONNOR, Paul	:	DECISION ON PETITION
Application No. 12/373748	:	TO MAKE SPECIAL UNDER
Filed: January 14, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. ID0014US	:	PILOT PROGRAM

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

The petition is **GRANTED**.

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

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

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

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

Telephone inquires concerning this decision should be directed to Manjunath Rao at 571-272-0939.

The application is being forwarded to the Technology Center Art Unit 1651 for action on the merits commensurate with this decision.

/Manjunath Rao/

Manjunath Rao
Supervisory Patent Examiner
Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

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FEB 07 2011

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Alexandria, VA 22313-1450
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DARBY & DARBY P.C.
P.O. BOX 770
Church Street Station
New York NY 10008-0770

In re Application of:
CLAUTIER, Jean-Francois, et al.
U.S. Application No.: 12/373,764
PCT No.: PCT/US2007/073626
International Filing Date: 16 July 2007
Priority Date: 14 July 2006
Attorney Docket No.: 21182/0207407-US0
For: METHOD AND SYSTEM FOR ANALYZING INFORMATION TRANSFER AMONG A PLURALITY OF PARTIES

DECISION ON PETITION
(37 CFR 1.137(b))

The petition for revival under 37 CFR 1.137(b) filed 03 January 2011 in the above-captioned application is hereby **GRANTED** as follows:

The present application became abandoned at midnight on 03 November 2009 due to applicants' failure to submit a proper response to the "Notification Of Missing Requirements" (Form PCT/DO/EO/905) issued 03 September 2009.

The abandonment was confirmed in the "Notification Of Abandonment" (Form PCT/DO/EO/909) issued on 19 August 2010.

The present petition for revival was accompanied by the petition fee and the "required reply" in the form of proper reply to the Notification Of Missing Requirements, that is, an executed declaration in compliance with 37 CFR 1.497, payment of the surcharge for filing the declaration later than thirty months after the priority date, and the authorization to charge additional required fees to Deposit Account No. 19-4709 (pursuant to which the Deposit Account will be charged the small entity search, examination and extra claims fees required by the Notification Of Missing Requirements). In addition, the petition includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfying the requirement of 37 CFR 1.137(b)(3).

Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the present national stage application is appropriately granted.

It is noted that applicants' present petition was accompanied by payment of a five-month extension fee with respect to the Notification Of Missing Requirements; however, 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). Applicants' request for an extension of time here was filed well after the expiration of the extendable period for reply. The request is therefore not appropriate on the present record. The fee submitted with respect to such extension will be refunded to applicants' Deposit Account.

Finally, it is noted that the present petition and response materials were filed by a different law firm with a different address than the correspondence address of record set forth above. A courtesy copy of this decision will be forwarded to the address listed on the present petition and response materials; however, absent the submission of an effective request to change the correspondence address of record, all future correspondence herein will be directed solely to the correspondence address of record set forth above.

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 03 January 2011.

/RichardMRoss/

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

cc: Alexander D. Walter
STROCK & STROCK & LAVAN LLP
180 Maiden Lane
New York, New York 10038

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SENNIGER POWERS LLP
100 NORTH BROADWAY
17TH FLOOR
ST LOUIS, MO 63102

MAILED
OCT 15 2010
OFFICE OF PETITIONS

Applicants: Minteer, et al.
Appl. No.: 12/373,777
International Filing Date: July 16, 2007
Title: ORGANELLES IN BIOANODES, BIOCATHODES, AND BIOFUEL CELLS
Attorney Docket: AKER 11000.3
Pub. No.: US 2009/0305089 A1
Pub. Date: December 10, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on February 5, 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 to the specification filed on January 14, 2009, was not included in the publication and dependent claim 60 has an error in the subscript wherein "R_{11}" was misprinted as "R_{10}."

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 <u>not</u> 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] <u>Changes to Implement Eighteen-Month Publication of Patent Applications</u>, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, <u>Off. Gaz. Pat. Office Notices</u> 63, 75 (Oct. 10, 2000) (final rule).

The error noted by requester with respect to the subscript in dependent claim 60 may be an Office error, but it is not a material Office error under 37 CFR 1.221. The error is due to the quality and size of the text, which is small, which makes it difficult to electronically reproduce by digital imaging and optical character recognition. See 37 CFR 1.52(a)(1)(v), which states that all papers that are to become a permanent part of Office records must be presented "in a form having sufficient clarity and contrast between the paper and the writing to permit...electronic capture by use of digital imaging and optical character recognition". As set forth at MPEP 1121, "applications with poor quality text, which may acceptable for scanning and examination purposes, may lead to errors in the patent application publication. While some of the text may have been published, it is because the text has to be rekeyed. The small text can not be reproduced by digital imaging and optical character recognition.

Applicant is advised that he may want to file application papers that are clearer, as the errors are due to the quality of the text. Applicants have been advised to file applications having cleaner and larger text with sufficient clarity and contrast to permit reproduction, such as electronic reproduction by digital imaging and optical character recognition, which will avoid errors in the patent application publication process. See 37 CFR 1.52 and PCT Rule 11.9(d).

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

OBLON
SPIVAK

ATTORNEYS AT LAW

Docket No.: 337149US0PCT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 12/373,788
Applicants: Hironobu MORISHITA
Filing Date: January 14, 2009
For: MATERIAL FOR ORGANIC ELECTROLUMINESCENCE DEVICE AND ORGANIC ELECTROLUMINESCENCE DEVICE
Group Art Unit: 1786
Examiner: GARRET, DAWN L.

SIR:

Attached hereto for filing are the following papers:

Petition Under 37 C.F.R. § 1.102
Copy of Express Abandonment Under 37 CFR 1.138
Filing Receipt (Copy)

Credit card payment is being made online (if electronically filed), or is attached hereto (if paper filed), in the amount of **$0.00** to cover any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. **15-0030**. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.

Richard L. Treanor
Registration No. 36,379

David P. Stitzel
Registration No. 44,360

Customer Number
22850
(703) 413-3000 (phone)
(703) 413-2220 (fax)
(OSMMN 10/09)

DOCKET NO: 337149US0PCT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF	:
HIRONOBU MORISHITA	: EXAMINER: GARRETT, DAWN L.
SERIAL NO: 12/373,788	:
FILED: JANUARY 14, 2009	: GROUP ART UNIT: 1786
FOR: MATERIAL FOR ORGANIC ELECTROLUMINESCENCE DEVICE AND ORGANIC ELECTROLUMINESCENCE DEVICE	:

PETITION UNDER 37 C.F.R. § 1.102

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

The undersigned Petitioners hereby respectfully request that the above-identified patent application be accorded special status under the patent application backlog reduction stimulus plan, pursuant to 37 C.F.R. § 1.102, MPEP § 708.02, and the Federal Register Notices, Vol. 74, No. 227, pp. 62285-62287 (November 27, 2009) and Vol. 75, No. 121, pp. 36063-36064 (June 24, 2010).

Copending nonprovisional application number 12/278,894, filed on August 8, 2008, has been expressly abandoned as evidenced by the enclosed Express Abandonment under 37 C.F.R. § 1.138.

As required, the Express Abandonment includes a statement that the Applicant: (1) has not and will not file an application that claims the benefit of the expressly abandoned application; (2) has not and will not file an application that claims the same invention claimed in the expressly abandoned application; and (3) agrees not to request a refund of any fees paid in the expressly abandoned application.

The above-identified application and the expressly abandoned application are owned by the same party, namely Idemitsu Kosan Co., Ltd.

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

Applicant agrees to make an election without traverse in a telephonic interview if the Office determines that the claims of the above-identified application to be made special are directed to two or more independent and distinct inventions.

Since the November 27, 2009 Federal Register Notice indicates that the fee for the Petition to make special under the patent application backlog reduction stimulus plan is *sua sponte* waived, it is believed that no additional fees are required.

Consequently, it is respectfully requested that this Petition be GRANTED, and early notification to this effect is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.

Richard L. Treanor
Attorney of Record
Registration No. 36,379

David P. Stitzel
Attorney of Record
Registration No. 44,360

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 07/09)

Electronic Acknowledgement Receipt

EFS ID:	8962847
Application Number:	12278894
International Application Number:	
Confirmation Number:	5484
Title of Invention:	COPY REFLECTIVE TFT SUBSTRATE AND METHOD FOR MANUFACTURING REFLECTIVE TFT SUBSTRATE
First Named Inventor/Applicant Name:	Kazuyoshi Inoue
Customer Number:	23599
Filer:	Anthony Joseph Zelano
Filer Authorized By:	
Attorney Docket Number:	HEIWA-0025
Receipt Date:	03-DEC-2010
Filing Date:	08-AUG-2008
Time Stamp:	15:45:42
Application Type:	U.S. National Stage under 35 USC 371

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Miscellaneous Incoming Letter	Request-For-Express-Abandonment.pdf	16768 f22b76004def4aa2bae046d9bd4c3e38588 70f40	no	2

Warnings:

Information:

Total Files Size (in bytes):	16768

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Kazuyoshi INOUE

Serial No.: 12/278,894

Filed: August 8, 2008

Examiner: Jose R. Diaz

Group Art Unit: 2815

Confirmation No: 5484

Title: REFLECTIVE TFT SUBSTRATE AND METHOD FOR MANUFACTURING REFLECTIVE TFT SUBSTRATE

EXPRESS ABANDONMENT UNDER 37 CFR 1.138

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

Sir:

I request that the above-identified application be expressly abandoned as of the filing date of this paper.

The Applicant has not and will not file an application that claims the benefit of this expressly abandoned application under any provision of title 35, United States Code.

The Applicant agrees not to request a refund of any fees paid in this expressly abandoned application.

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

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

/Anthony J. Zelano/

Anthony J. Zelano, Reg. No. 27,969
Attorney/Agent for Applicant(s)

MILLEN, WHITE, ZELANO
& BRANIGAN, P.C.
Arlington Courthouse Plaza 1, Suite 1400
2200 Clarendon Boulevard
Arlington, Virginia 22201
Telephone: (703) 243-6333
Facsimile: (703) 243-6410

Attorney Docket No.: HEIWA-0025

Date: December 3, 2010

AJZ:klb

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED

DEC 21 2010

OFFICE OF PETITIONS

In re Application of :
MORISHITA :
Application No. 12/373,788 :
35 U.S.C. 371 Date: January 14, 2009 :
Int. Appl. No.: PCT/JP2008/062675 :
Int. File Date: July 14, 2008
Attorney Docket No. **337149US0PCT**

DECISION ON PETITION
TO MAKE SPECIAL
37 CFR 1.102

This is a decision on the petition under 37 CFR 1.102, filed December 8, 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

UNITED STATES 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 9,2011

In re Application of :

Hironobu Morishita

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12373788

Filed : 14-Jan-2009

Attorney Docket No : 337149US0PCT

This is an electronic 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 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 1786 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	12373788
Filing Date	14-Jan-2009
First Named Inventor	Hironobu Morishita
Art Unit	1786
Examiner Name	DAWN GARRETT
Attorney Docket Number	337149US0PCT
Title	MATERIAL FOR ORGANIC ELECTROLUMINESCENCE DEVICE AND ORGANIC ELECTROLUMINESCENCE DEVICE

An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).

A grantable petition requires the following items:
(1) Petition fee; and
(2) One of the following reasons:
(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;
(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or
(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).

Petition Fee

- ☐ Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- ☐ Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).
- ☐ Applicant(s) status remains as SMALL ENTITY.
- ☒ Applicant(s) status remains as other than SMALL ENTITY

Reason for withdrawal from issue

○ One or more claims are unpatentable

◉ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)

○ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request,submission, and fee.

☐ I certify, in accordance with 37 CFR 1.4(d)(4) that : The RCE request ,submission, and fee have already been filed in the above-identified application on

☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

◉ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.

○ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.

○ A sole inventor

○ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors

○ A joint inventor; all of whom are signing this e-petition

○ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/David P. Stitzel/
Name	David P. Stitzel
Registration Number	44360

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MILLER THOMPSON, LLP
Scotia Plaza
40 King Street West, Suite 5800
TORONTO ON M5H 3S1 CA CANADA

MAILED

OCT 17 2011

OFFICE OF PETITIONS

In re Application of
Pat Wiley
Application No. 12/373,807
Filed: January 14, 2009
Attorney Docket No.: 081811.0003

ON PETITION

This is a decision in response to the petition, filed September 23, 2011, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action of March 2, 2011. A Notice of Abandonment was subsequently mailed on September 14, 2011.

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

This application is being referred to Technology Center AU 3671 for appropriate action in the normal course of business on the reply received September 23, 2011.

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

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND, OH 44114-3108

MAILED
FEB 21 2012
OFFICE OF PETITIONS

In re Application of	:	
Pierre Gidon, et al.	:	
Application No. 12/373,832	:	DECISION ON PETITION
Filed: January 19, 2009	:	
Attorney Docket No. BRV-44786	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 6, 2012, to revive the above-identified application.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of June 23, 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)(II)(A)(2). A two (2) month extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is November 24, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $930, and the submission required by 37 CFR 1.114; (2) the petition fee of $1860; and (3) a proper statement of unintentional delay.

In view of the above, the petition is **GRANTED** *nunc pro tunc*.

The Technology Center was without authority to act further in the case absent a grantable petition reviving this application after abandonment. Nevertheless, in view of this decision on petition the RCE is now considered a proper filing and the actions of the Technology Center taken thereafter are hereby ratified.

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 2811for 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.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mark Baartse
25 Northcote Street
Haberfield 2045
AUSTRALIA

MAILED

AUG 05 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	
BAARTSE	:	
U.S. Application No.: 12/373,891	:	DECISION ON PETITION
PCT No.: PCT/AU2008/000226	:	
Int. Filing Date: 20 February 2008	:	UNDER 37 CFR 1.181
Priority Date: 22 February 2007	:	
Attorney Docket No.: None	:	
For: WEBSITE OPTIMISATION SYSTEM	:	

This decision is in response to applicant's petition under 37 C.F.R. §1.181 to withdraw holding of abandonment filed 01 June 2011 in the United States Patent and Trademark Office (USPTO). No petition fee is required.

BACKGROUND

On 08 March 2011, applicant was mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) informing applicant that applicant had failed to respond to the Form PCT/DO/EO/905 mailed 04 June 2010 within the time period set therein and that above-identified application was abandoned as to the United States. (Applicant was mailed a NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) on 06 August 2010 providing applicant one month or the extendable time from the mail date of the Form PCT/DO/EO/905 to provide a proper response. Notwithstanding the notice mailed 08 March 2011 it was the failure to respond to this notice which resulted in the abandonment of the application.)

On 01 June 2011, applicant filed the petition considered herein.

DISCUSSION

The Manual of Patent Examining Procedure (MPEP) at 711.03(c) and the Official Gazette, at 1156 OG 53, provides the grounds that an Office action was not received:

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm.

Applicant has provided a statement that the Form PCT/DO/EO/916 was never received, explained that a search of the file jacket and docket records revealed that the Form PCT/DO/EO/916 had not been received. However, applicant has not included a copy of the docket record nor provided a signed statement describing the docketing system. . As such, it is not possible to grant applicant's petition under 37 CFR 1.181 to withdraw the holding of abandonment.

In addition, there is a question as to the international application number used by applicant for this U.S. national stage filing. Applicant has attempted to enter the U.S. national phase of international application PCT/AU2008/000226 listing himself as the sole inventor and giving the application a title of "WEBSITE OPTIMISATION SYSTEM." A review of the first page of published international application PCT/AU2008/000226 finds that it is entitled "SELF DUNNAGED CATHODE BUNDLE" and lists a Brendan Joseph O'Rourke as the sole inventor. Applicant is invited to provide an explanation of this discrepancy in his renewed petition.

CONCLUSION

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

Any reconsideration on the merits of this petition 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 1.181."

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration or electronically filed utilizing the USPTO's EFS-Web electronic filing system.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED
NOV 21 2011
PCT LEGAL ADMINISTRATION

Mark Baartse
25 Northcote Street
Haberfield 2045
AUSTRALIA

In re Application of	:	
BAARTSE	:	
U.S. Application No.: 12/373,891	:	DECISION ON PETITION
PCT No.: PCT/AU2008/000226	:	
Int. Filing Date: 20 February 2008	:	UNDER 37 CFR 1.181
Priority Date: 22 February 2007	:	
Attorney Docket No.: None	:	
For: WEBSITE OPTIMISATION SYSTEM	:	

This decision is in response to applicant's renewed petition under 37 C.F.R. §1.181 to withdraw holding of abandonment filed 11 October 2011 in the United States Patent and Trademark Office (USPTO). No petition fee is required.

BACKGROUND

On 05 August 2011, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.181. Applicant was afforded two months to file any request for reconsideration.

On 27 July 2011, applicant filed the renewed petition considered herein.

DISCUSSION

As detailed in the decision mailed 22 June 2011, the Manual of Patent Examining Procedure (MPEP) at 711.03(c) and the Official Gazette, at 1156 OG 53, provides the grounds that an Office action was not received:

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm.

Applicant previously provided a statement that the Form PCT/DO/EO/916 was never received, explained that a search of the file jacket and application contents revealed that the Form PCT/DO/EO/916 had not been received and provided a signed statement describing the firm's docketing system. Applicant did not include a copy of the docket record. Applicant has presently provided a copy of that record.

It appears that applicant's fee payment of 01 June 2011 satisfied the remaining items detailed in the Form PCT/DO/EO/916 mailed 06 August 2011.

As detailed in the decision mailed 05 August 2011, applicant has attempted to enter the U.S. national phase of international application PCT/AU2008/000226 listing himself as the sole inventor and giving the application a title of "WEBSITE OPTIMISATION SYSTEM." (See the attached acknowledgement receipt which shows that international application number entered by applicant. A review of the first page of published international application PCT/AU2008/000226 finds that it is entitled "SELF DUNNAGED CATHODE BUNDLE" and lists a Brendan Joseph O'Rourke as the sole inventor. As discussed below applicant is required to provide an explanation before the application can move forward.

CONCLUSION

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

The Form PCT/DO/EO/909 mailed 08 March 2011 is hereby **VACATED**.

Applicant is required to file a reply to this decision resolving the above-stated inconsistency. A proper reply would include a petition under 37 CFR 1.182, including the petition fee set forth in 37 CFR 1.17(f), to correct the discrepancy (The petition should set forth the specific circumstances as to how and when the error was made and should set forth that the mistake was an inadvertent error without deceptive intent).

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 file a proper response will result in abandonment of the application.

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration or electronically filed utilizing the USPTO's EFS-Web electronic filing system.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

0 9 AUG 2010

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

Briscoe, Kurt G.
Norris McLaughlin & Marcus, PA
875 Third Avenue, 8th Floor
New York NY 10022

In re Application of:
ZEMOLKA, et al.
Application No.: 12/373,947
Filing Date: January 15, 2009
Attorney's Docket No.: 107101-72 KGB
For: SUBSTITUTED HETEROARYL DERIVATIVES

DECISION ON PETITION UNDER 37 CFR 1.182

This decision is issued in response to applicants' "Petition Under 37 CFR § 1.182 to Convert 371 Application to 111(a) Application" filed 29 July 2010 in the United States Patent and Trademark Office (USPTO). For the reasons detailed below no petition fee is required.

BACKGROUND

On 17 July 2007, applicants filed international application PCT/EP07/06325 which claimed a priority date of 18 July 2006 and which designated the United States. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 18 January 2009.

On 15 January 2009, applicants electronically filed the above-captioned application seeking entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 06 October 2009, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Acceptance (Form PCT/DO/EO/903) and a filing receipt.

On 29 July 2010, applicants filed the petition considered herein. The petition requests that the present application be treated as a filing under 35 U.S.C. 111(a).

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).

An examination of the application papers filed 15 January 2009 finds that applicants submitted a specification which stated "This application is a continuation application of PCT/EP2007/006325 filed July 17, 2007, which claims foreign priority benefit under 35 U.S.C. § 119 of German Patent Application No. 10 2006 033 109.5 filed July 18, 2006." In addition, the Application Data Sheet (ADS)submitted upon initial filing identified the application as a "Continuation of PCTEP2007006325." The statements in the specification and ADS are inconsistent with the intent to enter the National State under 35 U.S.C. 371. Accordingly, the original papers filed on 15 January 2009 should have been treated as a filing under 35 U.S.C. 111(a). As the papers were processed incorrectly applicant's petition fee payment of $400.00 is not required.

CONCLUSION

Applicants' petition to convert the application from a national stage application under 35 U.S.C. 371 to an application filed under 35 U.S.C. 111(a) is **GRANTED**.

The Notification Of Acceptance (Form PCT/DO/EO/903) and filing receipt mailed 06 October 2009 are hereby **VACATED**.

The Office Of Initial Patent Examination will be instructed to continue processing of this application as an application filed under 35 U.S.C. 111(a), in accordance with the present decision.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

NOVARTIS VACCINES AND DIAGNOSTICS INC.
INTELLECTUAL PROPERTY – X100B
P.O. BOX 8097
EMERYVILLE CA 94662-8097

MAILED
AUG 08 2011
OFFICE OF PETITIONS

In re Application of	:	
CONTORNI	:	
Application No. 12/374,015	:	ON PETITION
Filed: May 11, 2007	:	
Attorney Docket No. 52072-US-PCT	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 29, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of October 20, 2010. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is January 21, 2011. A Notice of Abandonment was mailed May 10, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $810, and the submission required by 37 CFR 1.114; (2) the petition fee of $1620; and (3) a proper statement of unintentional delay.

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

petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

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

This application is being referred to Technology Center AU 1648 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.

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

cc: OTIS LITTLEFIELD
MORRISON & FOERSTER LLP
SAN FRANCISCO, CA 94105-2482

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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JACQUES M. DULIN, ESQ. DBA
INNOVATION LAW GROUP, LTD.
237 NORTH SEQUIM AVENUE
SEQUIM WA 98382-3456

MAILED

MAR 14 2011

OFFICE OF PETITIONS

In re Application of	:	
JOUBERT NOGUEROLES	:	
Application No. 12/374,047	:	DECISION ON PETITION
Filed: January 15, 2009	:	TO WITHDRAW
Attorney Docket No. 7309-001US	:	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 7, 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 Jacques M. Dulin, Esq. on behalf of the attorneys of record associated with Customer No. 35531.

The attorneys of record associated with Customer No. 35531 have been withdrawn.

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

The correspondence address of record has been changed and the new correspondence address is the address first copied below until otherwise properly notified by the applicant.

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

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

cc: FELIPE JOSE JOUBERT NOGUEROLES,
ALICANTE, C/O JTV PATENTES & MARCAS
ORTREGA Y GASSET, 11-3 D, E-03600 ELDA
(ALICANTE) SPAIN

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/374,047	01/15/2009	Felipe Jose Joubert Nogueroles	7309-001US

CONFIRMATION NO. 5356

POWER OF ATTORNEY NOTICE

35531
JACQUES M. DULIN, ESQ. DBA
INNOVATION LAW GROUP, LTD.
237 NORTH SEQUIM AVENUE
SEQUIM, WA 98382-3456

OC000000046284218

Date Mailed: 03/02/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/07/2011.

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

/dcgoodwyn/

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

Second Request

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 11/30/2011

TO SPE OF : ART UNIT 3753

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/374053 Patent No.: 7997556 B2

CofC mailroom date: 11/17/2011

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Note: _____

Virginia Tolbert

Certificates of Correction Branch

(571) 272-0460

Thank You For Your Assistance

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

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

Comments: _____

Stephen Hepperle
SPE

3753
Art Unit

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.
12/374,101	01/16/2009	Martin Wadsworth	MC.1	5825

26689 7590 11/10/2010
WILDMAN HARROLD ALLEN & DIXON LLP
225 WEST WACKER DRIVE, SUITE 2800
CHICAGO, IL 60606

EXAMINER
RUBY, TRAVIS C

ART UNIT	PAPER NUMBER
3785	

MAIL DATE	DELIVERY MODE
11/10/2010	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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WILDMAN HARROLD ALLEN & DIXON LLP
225 WEST WACKER DRIVE, SUITE 2800
CHICAGO IL 60606

In re Application of	:	
WADSWORTH, MARTIN et al	:	DECISION ON REQUEST TO
Application No. 12/374,101	:	PARTICIPATE IN PATENT
Filed: Jan. 16, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. MC.1	:	PILOT PROGRAM AND PETITION
For: RADITOR	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) pilot program under 37 CFR 1.102(d), filed Nov. 9, 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

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

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

The Petition is lacking Item element #6. Regarding Item #6, specifically, Applicant has not provided copies of the following foreign patents or publications cited by the UKIPO examiner:
EP 0 681 667 B (VILLA PHILIP FERDINANDO [GB]) 12 August 1998 (1998-08-12)
EP 0 542 785 B (VILLA PHILIP FERDINANDO [GB]) 21 February 1996 (1996-02-21)
EP 0 078 448 A (RUOFF SCHAEFER RUDOLF) 11 May 1983 (1983-05-11)
FR 2 878 024 A (KALORI SOC PAR ACTIONS SIMPLIF [FR]) 19 May 2006 (2006-05-19)
FR 2 439 354 A (ELAJO INVEST [SE]) 16 May 1980 (1980-05-16)
JP 57 169549 A (SANYO ELECTRIC CO; TOKYO SANYO ELECTRIC CO) 19 October 1982 (1982-10-19) and DE 30 32 096 AI (GREISINGER OTMAR ING GRAD) 8 April 1982 (1982-04-08) DE 203 14 539 U1 (KRUEGER LORENZ [DE]) 3 June 2004 (2004-06-03).

It is also noted the UKIPO examiner cited six prior art patents in the UK Pat. 2440161 were missing from the PPH petition. A copy of those foreign patent documents is required.

Applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application. This application will await action in its regular turn.

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
Tel: 571-272-4856

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.
12/374,101	01/16/2009	Martin Wadsworth	MC.1	5825

26689 7590 09/12/2011
WILDMAN HARROLD ALLEN & DIXON LLP
225 WEST WACKER DRIVE, SUITE 2800
CHICAGO, IL 60606

EXAMINER
RUBY, TRAVIS C

ART UNIT	PAPER NUMBER
3785	

MAIL DATE	DELIVERY MODE
09/12/2011	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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WILDMAN HARROLD ALLEN & DIXON LLP
225 WEST WACKER DRIVE, SUITE 2800
CHICAGO IL 60606

In re Application of	:	
WADSWORTH, MARTIN, et al	:	DECISION ON REQUEST TO
Application No. 12/374,101	:	PARTICIPATE IN PATENT
Filed: January 16, 2009	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. MC.1	:	PROGRAM AND PETITION
For: RADIATOR	:	TO MAKE SPECIAL UNDER
		37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed November 18, 2010 to make the above-identified application special.

The request and petition are granted.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO/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 Judy Swann, SPE of Art Unit 3785, and 571-272-7075 for Class 165 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Petition is **granted**.

/Henry C. Yuen/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LOCKE LORD BISSELL & LIDDELL LLP
600 TRAVIS SUITE 2800
HOUSTON TX 77002-3095

MAILED

JUN 17 2011

OFFICE OF PETITIONS

In re Application of	:	
Steven KRITZLER et al	:	
Application No. 12/374,157	:	DECISION ON PETITION
Filed: January 16, 2009	:	
Attorney Docket No. 0023693-006US	:	

This is a decision on the petition, filed December 30, 2010, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Office action of May 28, 2010, which set a three (3) month shortened statutory period for reply. Accordingly, a reply was due on or before August 28, 2010, or with a three (3) month extension of time November 29, 2010 (November 28, 2010 being a Sunday).

Petitioner requests the Notice of Abandonment mailed December 28, 2010 for failure to respond to the Office action mailed May 28, 2010 be withdrawn as petitioner timely filed a response. As evidenced by the attached amendment and three (3) month extension of time with a certificate of mailing date of November 29, 2010, a response was timely entrusted to the mails. Furthermore, a review of record indicates that the original copy of the response was received December 14, 2010.

Telephone inquiries concerning this decision should be directed to Andre Boyce at (571) 272-6726, or in his absence, the undersigned at (571) 272-7099.

This application is being referred to Technology Center AU 1763 for appropriate action in the normal course of business on the reply received December 14, 2010.

David A. Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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CHOATE, HALL & STEWART LLP
TWO INTERNATIONAL PLACE
BOSTON MA 02110

MAILED
DEC 01 2010
OFFICE OF PETITIONS

In re Application of	:	
MARTIN, Alastair	:	
Application No. 12/374,197	:	DECISION ON PETITION
Filed: September 22, 2009	:	TO WITHDRAW
Attorney Docket No. **2006982-0023**	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 10, 2010.

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 C.F.R 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the change of address is not that of: (1) the first named inventor; or (2) an assignee of the entire interest under C.F.R 3.71, who has properly intervened.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **FOLEY & LARDNER LLP**
111 HUNTINGTON AVENUE
26TH FLOOR
BOSTON, MA 02199-7610

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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NOV 02 2010

PCT LEGAL ADMINISTRATION

SYNGENTA CROP PROTECTION , INC.
PATENT AND TRADEMARK DEPARTMENT
410 SWING ROAD
GREENSBORO NC 27409

In re Application of	:	
DUNNE et al.	:	
Application No.: 12/374,219	:	DECISION
PCT No.: PCT/US2007/073869	:	
Int. Filing Date: 19 July 2007	:	
Priority Date: 19 July 2006	:	
Attorney's Docket No.: 71212	:	
For: HERBICIDAL COMPOSITION AND	:	
METHOD OF USE THEREOF	:	

This decision is in response to applicants' petition under 37 CFR 1.137(b) filed 22 September 2010 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 19 July 2007, applicants filed international application PCT/US2007/073869, which designated the U.S. and claimed a priority date of 19 July 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 24 January 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 21 January 2009 (19 January 2009 and 20 January 2009 being Federal holidays within the District of Columbia).

On 16 January 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 26 March 2009, the USPTO 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 08 September 2010, the USPTO issued 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 26 March 2009 within the time period set therein.

On 22 September 2010, applicants filed a submission including, *inter alia*, a petition under 37 CFR 1.137(b) and a declaration of inventors.

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.

Item (1) has been satisfied.

As to item (2), applicant submitted the petition fee on 22 September 2010.

As to item (3), the required statement has been provided.

Declaration of Inventors

The declaration of inventors filed 22 September 2010 is in compliance with 37 CFR 1.497(a)-(b).

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

Commissioner for Patents
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PCT LEGAL ADMINISTRATION

SYNGENTA CROP PROTECTION , INC.
PATENT AND TRADEMARK DEPARTMENT
410 SWING ROAD
GREENSBORO NC 27409

In re Application of	:	
CHERYL LYNN et al.	:	
Application No.: 12/374,229	:	DECISION
PCT No.: PCT/US2007/073875	:	
Int. Filing Date: 19 July 2007	:	
Priority Date: 19 July 2006	:	
Attorney's Docket No.: 71213	:	
For: HERBICIDAL COMPOSITION AND	:	
METHOD OF USE THEREOF	:	

This decision is in response to applicants' petition under 37 CFR 1.137(b) filed 22 September 2010 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 19 July 2007, applicants filed international application PCT/US2007/073875, which designated the U.S. and claimed a priority date of 19 July 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 24 January 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 21 January 2009 (19 January 2009 and 20 January 2009 being Federal holidays within the District of Columbia).

On 16 January 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 26 March 2009, the USPTO 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 08 September 2010, the USPTO issued 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 26 March 2009 within the time period set therein.

On 22 September 2010, applicants filed a submission including, *inter alia*, a petition under 37 CFR 1.137(b) and a declaration of inventors.

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 required reply, a proper declaration of the inventors, has not been provided. See the section "Declaration of the Inventors" below.

As to item (2), applicant submitted the petition fee on 22 September 2010.

As to item (3), a grantable petition has not yet been provided.

Declaration of Inventors

The declaration of inventors filed 22 September 2010 is not in compliance with 37 CFR 1.497(a)-(b). The declaration does not list the correct inventorship. There is a difference in names in both of the inventors between the published international application (Dunne CHERYL LYNN and James JOHN R.) and the declaration of the inventors (Cheryl Lynn DUNNE and John Robert JAMES). Because this difference in names is more than a mere typographical error or a phonetic misspelling of applicants' legal names, a proper petition under 37 CFR 1.182 is required in order to resolve the matter. Such a petition must be accompanied by the requisite petition fee of $400 as well as a statement from each of the inventors. This statement should set forth that he or she is a joint inventor of the subject matter of the present application and should set forth the circumstances surrounding the difference in names on the international application and the declaration.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.137(b) is **DISMISSED** without prejudice.

The application remains abandoned for the reasons set forth in the NOTIFICATION OF ABANDONMENT mailed 08 September 2010.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

UNITED STATES PATENT AND TRADEMARK OFFICE

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SEP 28 2011

PCT LEGAL ADMINISTRATION

SYNGENTA CROP PROTECTION , INC.
PATENT AND TRADEMARK DEPARTMENT
410 SWING ROAD
GREENSBORO NC 27409

In re Application of DUNNE et al. Application No.: 12/374,229 PCT No.: PCT/US2007/073875 Int. Filing Date: 19 July 2007 Priority Date: 19 July 2006 Attorney's Docket No.: 71213 For: HERBICIDAL COMPOSITION AND METHOD OF USE THEREOF	: : : : : : : : :	DECISION

This decision is in response to applicants' renewed petition under 37 CFR 1.137(b) and applicants' petition under 37 CFR 1.182, both filed 07 September 2011 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 19 July 2007, applicants filed international application PCT/US2007/073875, which designated the U.S. and claimed a priority date of 19 July 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 24 January 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 21 January 2009 (19 January 2009 and 20 January 2009 being Federal holidays within the District of Columbia).

On 16 January 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 26 March 2009, the USPTO 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 08 September 2010, the USPTO issued 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

26 March 2009 within the time period set therein.

On 22 September 2010, applicants filed a submission including, *inter alia*, a petition under 37 CFR 1.137(b) and a declaration of inventors.

On 02 November 2010, a decision was issued dismissing applicants' petition under 37 CFR 1.137(b) without prejudice. The decision indicated that the declaration of inventors filed 22 September 2010 was not in compliance with 37 CFR 1.497(a)-(b) because the inventive entity listed in the declaration was different than the inventive entity listed in the published international application.

On 07 September 2011, applicants filed the instant renewed petition under 37 CFR 1.137(b) and the instant petition under 37 CFR 1.182.

DISCUSSION

Petition Under 37 CFR 1.182

The decision issued 02 November 2010 stated that the declaration of inventors filed 22 September 2010 was not in compliance with 37 CFR 1.497(a)-(b) because the declaration did not list the correct inventorship; there was a difference in names in both of the inventors between the published international application (Dunne CHERYL LYNN and James JOHN R.) and the declaration of the inventors (Cheryl Lynn DUNNE and John Robert JAMES). The decision also indicated that because this difference in names was more than a mere typographical error or a phonetic misspelling of applicants' legal names, a proper petition under 37 CFR 1.182 was required in order to resolve the matter.

The petition fee has been paid. The statement by William A. Teoli explains that the names of the inventors as set forth in the declaration of inventors filed 22 September 2010 are the correct names and that these are the inventors of international application number PCT/US2007/073875. The petition urges that the difference in names is a mere typographical error in the transposition of inventors' names and that this is clear from the record including, for example, the application data sheet filed with the certified copy of the priority document. However, the difference in names is clearly more than a typographical error (it may be a clerical error, but it is more than a typographical error) and there is no requirement that USPTO personnel refer to the ADS filed with the priority document where there is a difference in names of the inventors between the published international application and the declaration of the inventors.

The declaration of inventors filed 22 September 2010 is now in compliance with 37 CFR 1.497(a)-(b).

Petition Under 37 CFR 1.137(b)

A petition to revive the present application under 37 CFR 1.137(b) must include:

(1) The required reply;

(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), the required reply, a proper declaration of the inventors, has been provided. See the section "Petition Under 37 CFR 1.182" above.

As to item (2), applicant submitted the petition fee on 22 September 2010.

As to item (3), the required statement was submitted on 22 September 2010.

CONCLUSION

The petition under 37 CFR 1.182 is **GRANTED** for the reasons set forth above.

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/

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Legal Examiner
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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.
12/374,278	12/07/2009	Ken Quail	054926/367718	7071

826 7590 01/11/2011
ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

EXAMINER

ART UNIT	PAPER NUMBER
1781	

MAIL DATE	DELIVERY MODE
01/11/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Alexandria, VA 22313-1450
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CST

January 11, 2011

In re application of Ken Quail et al Serial No. 12/374,278 Filed: December 7, 2009 For: SPREADABLE FOOD PRODUCT AND A MANUFACTURING PROCESS THEREFOR	: : : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a) to make the above-identified application special, filed October 20, 2009.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the IPAU, note where the IPAU 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 IPAU application with similar claims and the IPAU priority application;

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the IPAU application(s);

(3) Applicant must 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 IPAU application(s);

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of all the office action from each of the IPAU application(s) containing the allowable claims that are the basis for the request; and

(6) Applicant must submit:

a. An IDS listing the documents cited by the IPAU examiner in the IPAU 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 IPAU application(s).

First, it is noted that the PPH program with the JPO and the PPH program involving PCT's both allow applicant to add claims in the US application which are narrower in scope than those allowed by the other patent office, however the PPH program between the IPAU and the USPTO does not currently allow applicant to add dependent claims which are narrower in scope to those indicated as allowable by the IPAU. Thus, any newly added claims which are narrower in scope than a claim indicated as allowable by the IPAU does not sufficiently correspond to the allowable claims in the IPAU application. Here, it appears that claims 2, 8–14, 16, 18, 20, 21, 23, 25, 27, 33-37, 39, 41, 43, 44, 46, 48-50, 53, 55, 56, 62-65, 68-79, 81-85 do not sufficiently correspond to any of the claims indicated as allowable by the IPAU.

Furthermore, claim 26 of the present application includes the limitation that the non-nut plant material may include cereal grain, however, corresponding claim 9 of the IPAU application does not set forth cereal grains as a non-nut plant material.

(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, note where the IPAU 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 IPAU application with similar claims and the IPAU priority application.

Here, the current application is a national stage filing of PCT/AU2007/001007 which claims priority to Australian application 2006903884, however the Australian application with allowable claims is Australian application 2007276706. Applicant has not identified the relationship between the IPAU application with similar claims and the IPAU priority application.

Additionally, it is noted that in the IPAU Office action dated 24 March 2010, it appears that claims 1-68 are discussed, however, only claims 1-6 indicated as allowable by IPAU have been provided (with claims 1-23 submitted after indication of allowability by IPAU).

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**

Application No. 12/374,278

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

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.
12/374,278	12/07/2009	Ken Quail	054926/367718	7071

826 7590 03/02/2011
ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

EXAMINER

ART UNIT	PAPER NUMBER
1781	

MAIL DATE	DELIVERY MODE
03/02/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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CST

March 1, 2011

In re application of Ken Quail et al Serial No. 12/374,278 Filed: December 7, 2009 For: SPREADABLE FOOD PRODUCT AND A MANUFACTURING PROCESS THEREFOR	: : : : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the supplemental request to participate in the Patent Prosecution Highway (PPH) program filed February 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 IPAU, note where the IPAU 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 IPAU application with similar claims and the IPAU priority application;

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the IPAU application(s);

(3) Applicant must 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 IPAU application(s);

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of all the office action from each of the IPAU application(s) containing the allowable claims that are the basis for the request; and

(6) Applicant must submit:
   a. An IDS listing the documents cited by the IPAU examiner in the IPAU 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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Paul H.A. Quax
Leiden University
Rapenburg 70
Leiden NL-23-11EZ NL NETHERLANDS

MAILED
MAY 1 1 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
QUAX et al	:	
Application No. 12/374,291	:	
PCT No.: PCT/AU2007/001008	:	
Int. Filing Date: 20 July 2007	:	
Priority Date: 21 July 2006	:	PETITION UNDER
Attorney's Docket No.: 229752005500	:	
For: TREATMENT FOR INTIMAL...	:	
RELATED CONDITIONS	:	37 CFR 1.137 (b)

This decision is in response to applicants' "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)," filed on 10 March 2011.

BACKGROUND

On 20 July 2007, this international application was filed, claiming an earliest priority date of 21 July 2006. The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.494 was 28 August 2009.

On 21 January 2009, applicants filed a Transmittal letter for entry into the national stage in the United States, which was accompanied by, the basic national fee. No executed declaration or oath was filed at such time.

On 16 December 2009, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that the oath or declaration complying with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date." To avoid abandonment, the above items must be furnished within the time period set forth. The notification set a two months time limit or 32 months from the priority date for the application, whichever is later to respond.

On 27 July 2010, the United States Patent and Trademark Office mailed the Notification of Abandonment (PCT/DO/EO/909) since the applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed 12/16/2009 within the time period set therein.

On 10 March 2011, applicants filed the instant petition under 37 CFR 1.137(b), which was accompanied by the petition fee and an executed declaration.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Applicants have provided: (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Applicants, however, have not provided: (1) the proper reply that is a properly executed declaration. The declaration filed on 10 March 2011 is defective since it does not comply with 37 CFR 1.497(a)(3). A Declaration, under 37 CFR 1.497(a)(3), must identify each inventor. See MPEP § 602.

The executed declaration filed lists only Paul H.A Quax and on the bottom of the page it is check that an additional inventor(s) are named on the 1 supplemental sheet(s) PTO/SB/02A or 02LR attached hereto. However, the supplemental declaration submitted is the form PTO/SB/04 not the proper corresponding supplemental sheets (forms). As a result, the declaration is defective.

Accordingly, the petition is not deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

The petition under 37 CFR 1.137(b) is **DISMISSED** without prejudice.

If reconsideration of the merits of the petition under 37 CFR 1.137(b) is desired, applicant must file a request for reconsideration within **TWO (2) MONTHS** from the mail date of this Decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)."

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Rafael Bacares
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Paul H.A. Quax
Leiden University
Rapenburg 70
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MAILED
AUG 17 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
QUAX et al	:	
Application No. 12/374,291	:	
PCT No.: PCT/AU2007/001008	:	
Int. Filing Date: 20 July 2007	:	
Priority Date: 21 July 2006	:	PETITION UNDER
Attorney's Docket No.: 229752005500	:	
For: TREATMENT FOR INTIMAL...	:	
RELATED CONDITIONS	:	37 CFR 1.137 (b)

This decision is responsive to applicants' "Renewed Petition Under 37 CFR 1.137(b)" filed on 23 June 2011.

BACKGROUND

In a decision from this Office on 11 May 2011, the petition was dismissed because petitioner provided an improper executed declaration, and as a result did not satisfy item (1) under 37 CFR 1.137(b).

On 23 June 2011 petitioner submitted a renewed petition under 37 CFR 1.137(b) accompanied with a new executed declaration.

DISCUSSION

The renewed petition on 23 June 2011 is deemed to satisfy item (1) under 37 CFR 1.137(b) as petitioner has provided a properly executed declaration.

Accordingly, applicant has now satisfied requirements (1), (2), (3) and, (4) under 37 CFR 1.137(b).

DECISION

The renewed petition under 37 CFR 1.137(b) is **GRANTED.**

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **23 June 2011**.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

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Suite 100
Alexandria, VA 22314

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NOV 02 2010

PCT LEGAL ADMINISTRATION

In re Application of
WALD *et al*
U.S. Application No.: 12/374,315
PCT No.: PCT/IL2007/000891
Int. Filing Date: 16 July 2007
Priority Date: 21 October 2006
Attorney Docket No.: P-71760-US
For: A NETWORK CACHE, A USER DEVICE, A COMPUTER PROGRAM PRODUCT AND A METHOD FOR MANAGING FILES

DECISION

This decision is in response to the renewed petition under 37 CFR 1.47(a) filed 07 September 2010.

BACKGROUND

On 21 July 2010, a decision dismissing applicants' petition under 37 CFR 1.47(a) was filed. Applicants were given two months to respond.

On 07 September 2010, applicants filed a renewed response which was accompanied by, *inter alia*, a $200.00 petition fee, a statement of facts by Mr. Oren Reches, and documentary evidence in support of the petition.

DISCUSSION

Applicants claim that joint inventor, Mr. Ofer WALD, refuses to cooperate in the subject application and filed a 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(s) cannot be located or refuse to cooperate; (3) a statement of the last known address(es) of the nonsigning joint inventors; (4) and an oath or declaration executed by the signing joint inventors on their behalf and on behalf of the nonsigning joint inventors.

Items (1) and (2) of 37 CFR 1.47(a) were not satisfied in the initial petition.

In the renewed petition, applicants submitted the $200.00 petition fee.

With regards to item (2) of 37 CFR 1.47(a), applicants provided evidence showing that a complete copy of the subject application was provided to Mr. WALD on 05 September 2010. An email response from the nonsigning inventor (to Mr. Reches) dated 05 September 2010 confirms that the nonsigning inventor received the documents and also shows that he is not willing to cooperate in the subject application. The email is considered a written refusal to cooperate as contemplated by MPEP § 409.03(d)(II) and is sufficient to satisfy item (2) of 37 CFR 1.47(a).

All items of 37 CFR 1.47(a) are now complete.

CONCLUSION

Applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 16 July 2007 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 21 April 2010.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record and will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Mr. Ofer Wald
174 Rothschild St.
Petach Tikva
Israel

MAILED

NOV 02 2010

PCT LEGAL ADMINISTRATION

In re Application of
WALD *et al*
U.S. Application No.: 12/374,315
PCT No.: PCT/IL2007/000891
Int. Filing Date: 16 July 2007
Priority Date: 21 October 2006
Attorney Docket No.: P-71760-US
For: A NETWORK CACHE, A USER DEVICE, A COMPUTER PROGRAM PRODUCT AND A METHOD FOR MANAGING FILES

Dear Mr Wald:

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

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Alexandria, VA 22314

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/374,389	01/20/2009	Llius Ballell	PB62071	8225

23347 7590 07/18/2011
GLAXOSMITHKLINE
GLOBAL PATENTS
FIVE MOORE DR., PO BOX 13398
MAIL STOP: C2111.2F
RESEARCH TRIANGLE PARK, NC 27709-3398

EXAMINER
HABTE, KAHSAY

ART UNIT	PAPER NUMBER
1624	

NOTIFICATION DATE	DELIVERY MODE
07/18/2011	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):

USCIPRTP@GSK.COM
ELAINE.X.MARTENS@GSK.COM
PATRICIA.T.WILSON@GSK.COM

UNITED STATES PATENT AND TRADEMARK OFFICE

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GLAXOSMITHKLINE
CORPORATE INTELLECTUAL PROPERTY
Five Moore Drive, P.O. Box 13398
Research Triangle Park, NC 27709-3398

In re Application of
Ballell et al.
Serial No.: 12/374,389
Filed: January 20, 2009
Attorney Docket No.: PB62071

Decision on Petition

This letter is in response to the Petition of January 5, 2011 under 37 CFR 1.144 to request the reconsideration of the restriction requirement mailed on November 4, 2010.

BACKGROUND

On January 20, 2009, the present application was filed under 35 USC 371 as a national stage application of PCT application PCT/EP2007/057422. See, the Declaration and the Transmittal of New Application, both filed on January 20, 2009.

The present application was filed with 23 claims, with 30 claims pending after entry of the January 20, 2009 and July 26, 2010 preliminary amendments.

On November 4, 2010, the Examiner issued a Requirement for Restriction ("Requirement") requiring an election of one of elective Groups I -V, and an additional election of if Group V were to be elected.
The Examiner set forth the elective of Groups I-V as follows:

Group I, claim(s) 1-16 (in part) and 21(in part) and 23-31 (in part), drawn to R^5 = pyrido[3,2-b]thiazine.

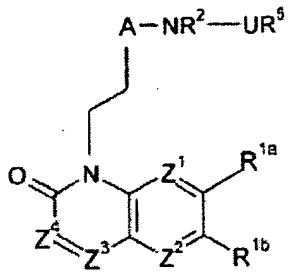
Group II, claim(s) 1-16 (in part), 21(in part) and 23-31 (in part), drawn to R^5 = pyrido[3,2-b]oxazine.

Group III, claim(s) 1-16 (in part), 17, 18 (in part), 21 (in part) and 23-31 (in part), drawn to R^5 = [1,4]dioxino[2,3-c]pyridazine.

Group IV, claim(s) 1-16 (in part), 18 (in part) 19-20, 21 (in part) and 23-31(in part), drawn to R^5 = [1,4]dioxino[2,3-c]pyridine.

Group V, claim(s) 1-16 (in part), 21 (in part) and 23-31 (in part), drawn to R^5 = others.

It is noted that R^5 is part of a chemical structure described in claim 1 of the application, which general structure is as follows:



(I)

In view of the filing of the application under 35 USC 371 as a national stage application, the Examiner asserted that the Unity of Invention equivalent for the U.S. Restriction was being applied as required by 37 CFR 1.499. See also, MPEP § 1893.03(d). The Examiner asserted that the election is justified on the basis that the compositions of the various inventive Groups do not share a common special technical feature.

On December 2, 2010, the Applicant submitted a response to the Requirement ("Election") in which the compounds of Group B were elected. In the Election, the Applicant additionally presented arguments in traversal of the election asserting that the Examiner had not applied the proper standard for Markush claims under PCT Rule 13.2 as described by MPEP.

In specific, the Applicant noted that, according to the MPEP, unity of invention is found in a Markush claim when the following criteria are fulfilled:

> (A) all alternatives have a common property or activity, and
> (B)(1) a common structure is present, i.e. a significant structural element is shared by all of the alternatives,...

See, ANNEX B UNITY OF INVENTION, to the Administrative Instructions under the PCT, found in Appendix AI of the MPEP. Applicant asserts that the Examiner did not address these criteria, but merely asserted that the various embodiments of the R^5 variable do not share a common special technical feature. See, Election, page 2. The Applicant concludes that the Examiner has not applied the proper standard for determining that the claims lack unity of invention under PCR Rule 13.2.

On December 14, 2010, the Examiner issued a First Action on the merits ("First Action") in which they reasserted that the various inventive Groups do not share a common special technical feature. First Action, pages 2-3. The Examiner also concluded that "there is no significant structural element" among the inventions. Page 3. In view of this, page 5 of the action made the Requirement final.

On January 5, 2011, the Applicant submitted a response to the First action, and then submitted a Response to the First Action on March 11, 2011. On page 4 of the Petition, the Applicant requests relief in the form of withdrawal of the Requirement, or that the Office correctly follow its own rules as set forth in the MPEP.

DISCUSSION

The application, file history, and petition filed on February 4, 2011 to request review of the restriction requirement has been considered.

As indicated by the Applicant, unity of invention is found among members of a Markush Group where the members meet the following criteria

> When the Markush grouping is for alternatives of chemical compounds, they shall be regarded as being of a similar nature where the following criteria are fulfilled:
>
> (A) all alternatives have a common property or activity, and
>
> (B)(1) a common structure is present, i.e., a significant structural element is shared by all of the alternatives, or
>
> (B)(2) in cases where the common structure cannot be the unifying criteria, all alternatives belong to a recognized class of chemical compounds in the art to which the invention pertains.

See, the Administrative Instructions Under the PCT ("Administrative Instructions"), ANNEX B UNITY OF INVENTION (found in Appendix AI of the MPEP).

In the present case, the specification teaches that each of the claimed compounds has a common activity as an antibacterial. See e.g., specification, pages 1-3; and claim 21. Thus, the claimed compositions meet the requirement (A).

The examiner indicated in the Requirement that the various embodiments do not share a special technical feature as each of the different embodiments of variable R^5 has a different structure. However, it is noted that consideration of whether embodiments of a Markush claim share unity of invention does not stop at mere consideration of the structures of the variables.

Instead, element (B)(1) of the test indicated above indicates that it must be considered if all of the alternatives within the Markush claim share a significant structural element. The Administrative Instructions (supra) indicate with respect to the test of (B)(1) that:

> The words "significant structural element is shared by all of the alternatives" refer to cases where the compounds share a common chemical structure which occupies a large portion of their structures, or in case the compounds have in common only a small portion of their structures, the commonly shared structure constitutes a structurally distinctive portion in view of existing prior art, and the common structure is essential to the common property or activity.

The first thing to note from this is that the structural similarity used to determine whether there is a common structure is based not on the structures of the variable, but on the overall structure of the claimed compounds. As the Examiner addressed only the similarity of the variable, rather than whether there is a common chemical structure among the claimed compounds overall, , it is agreed that the Examiner has not properly determined if there is in fact unity of invention among the members of the presented Markush claim.

In the present case, while there may be differences in the structures among the variable R^5, a comparison of the overall structures of the claimed compounds (see e.g., the table in claim 16) demonstrates that there is significant overall structural similarity. In view of the common overall structures of the claimed compounds, it is agreed that unity of invention should be found among the members of the Markush group.

However, it is noted that, having met this test, the Administrative Instructions further indicate that "if it can be shown that at least one Markush alternative is not novel over the prior art, the question of unity of invention shall be reconsidered by the examiner." Thus, if art is found and applied against at least one member of the Markush group, unity of invention may be found not to apply.

At present, the First Action failed to apply any art to the elected compound. Thus, for the purpose of this decision, it is assumed that unity of invention among the claimed compounds applies.

DECISION

For these reasons above, the petition under 37 C.F.R. 1.181 is **GRANTED**.

The Examiner is required to examine the claims in accordance with Markush claim practice, and to fully examine the claimed Markush group for patentability in accordance with Markush claim practice, as described in MPEP section 803.02, or until the Examiner can properly establish that unity is lacking, such as through the presentation of art which demonstrates that the generic claim does not avoid the prior art.

The application will be forwarded to the Examiner for consideration of the papers filed on March 11, 2011 and for preparation of an Office action consistent with this decision.

Should there be any questions regarding this decision, please contact Supervisory Patent Examiner Zachariah Lucas, by mail addressed to Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at (571) 272-1600 or by Official Fax at 703-872-9306.

Irem Yucel
Director, Technology Center 1600

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P.O. BOX 2938
MINNEAPOLIS MN 55402

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PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
Fransson et al	:	
Application No.: 12/374,451	:	
PCT No.: PCT/US2006/028621	:	
Int. Filing Date: 21 July 2006	:	PAPERS FILED
Priority Date: NA	:	
Attorney's Docket No.: 1880.119US1	:	
For: FLUID SATURATION ESTIMATION	:	UNDER 37 CFR 1.42 and 1.47

This is in response to the "RENEWED PETITION UNDER 37 CFR 1.47(a)AND RENEWED SUBMISSION UNDER 37 CFR 1.42" filed on 31 August 2010 that seeks the acceptance of the application without the signature of the legal representative Carla Hara Fransson.

BACKGROUND

In a decision from this Office on 16 July 2010, the petition filed on 16 July 2010 was dismissed. The decision stated that item (2) of 37 CFR 1.47 was not met.

On 31 August 2010, petitioner filed the present renewed petition accompanied with declarations from Mark Muller, Anne L. Koch, and Diane Wellcome, Diane Wellcome, and a copy of a new declaration that sets forth the legal representative and the decease joint inventor.

DISCUSSION

37 CFR 1.47(a):

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

The renewed petition of 31 August 2010 has satisfied the items under 37 CFR 1.47(a).

Item (2) has been satisfied. The renewed petition is accompanied by declarations from Mark Muller, Anne L. Koch and Diane Wellcome state that they took numerous steps to try to locate Ms. Fransson. They conducted searches on People finders, Public Record database of Lexis-Nexis, Google and also on other websites. They also called her at her last known phone number and a package of the application papers were sent on October 29, 2009 to the residential address shown in the county records believed to be her last known address and the package was return on November 19, 2009 as they were not able to be delivered.

Accordingly, the steps enumerated by Mark Muller, Anne L. Koch and Diane Wellcome are sufficient to establish that legal representative Ms. Fransson could not be found or reached after diligent effort

Petitioner has now satisfied items (1), (2), (3), and (4) under 37 CFR 1.47(a), thus completing the requirements under 37 CFR 1.47(a).

DECISION

The renewed petition under 37 CFR 1.47(a) is **GRANTED**.

37 CFR 1.42:

DISCUSSION

Applicants have provided a supplemental declaration, which sets forth that Carla B. Hara Fransson is the legal representative of the deceased joint inventor Carl-Magnus Fransson, and it also sets forth their citizenships and residences.

Accordingly, the requirements under 37 CFR 1.42 are satisfied and the declaration is acceptable at this time.

DECISION

The renewed submission filed under 37 CFR 1.42 is **ACCEPTED**.

CONCLUSION

The renewed submission filed under 37 CFR 1.42 is **ACCEPTED**.

The 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 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 United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

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Carl-Magnus Fransson
100 Falvey Ln
Cleveland, TX 77328

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NOV 02 2010
PCT LEGAL ADMINISTRATION

In re Application of
Fransson et al
Application No.: 12/374,451
PCT No.: PCT/US2006/028621
Int. Filing Date: 21 July 2006
Priority Date: NA
Attorney's Docket No.: 1880.119US1
For: FLUID SATURATION ESTIMATION

Dear Ms. Fransson

Mr. Fransson is named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(b) and 35 U.S.C. 118. Should a patent be granted, he will be designated as an inventor.

As a named inventor, you, as his legal representative since he is deceased, are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

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CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON MA 02110

In re Application of	:	
HERDEWIJIN, et al.	:	DECISION ON REQUEST
U.S. Application No.: 12/374,457	:	FOR WITHDRAWAL AS
PCT No.: PCT/BE2007/000092	:	ATTORNEY OF RECORD
Int. Filing Date: 20 July 2007	:	
Priority Date: 20 July 2006	:	
Attorney Docket No.: 50304/136002	:	
For: SUBSTITUTED PTERIDINES USEFUL	:	
FOR THE TREATMENT AND	:	
PREVENTION OF VIRAL INFECTIONS	:	

This decision is in response to the "Request For Withdrawal As Attorney Or Agent Of Record And Change Of Correspondence Address" (Form PCT/SB/83) filed 25 September 2009.

The criteria for effecting a proper withdrawal of attorney are set forth in Section 402.06 of the Manual of Patent Examining Procedure (M.P.E.P.) which reads, in part, as follows:

> In the event that a notice of withdrawal is filed by an attorney or agent of record, the file will be forwarded to the appropriate official for decision on the request. The **withdrawal is effective when approved** rather than when received.
>
> To expedite the handling of requests for permission to withdraw as attorney, under 37 CFR 1.36, Form PTO/SB/83 may be used. Because the Office does not recognize law firms, each attorney of record must sign the notice of withdrawal, or the notice of withdrawal must contain a clear indication of one attorney signing on behalf of himself or herself and another. ...
>
> The Director of the United States Patent and Trademark Office usually requires that there be at least 30 days between *approval* of the withdrawal and the latter of the expiration date of a time period for reply or the expiration date of the period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a). This is so that the applicant will have sufficient time to obtain other representation or take other action.

Attorney J. Cooper McDonald has provided a clear indication that the request for withdrawal is being made on behalf of himself and all other attorneys/agents associated with Customer Number 21559.

In addition, applicant filed a new power of attorney and revocation of power of attorney on 20 November 2009 appointing counsel from another firm and changing the correspondence address.

Because all of the criteria delineated in Section 402.06 of the M.P.E.P. have been complied with, the request for withdrawal as attorney of record is appropriately **GRANTED**.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision including updating the correspondence address as reflected in the new power of attorney submitted on 20 November 2009.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 271-3294

CC:

GILEAD SCIENCES, INC.
333 LAKESIDE DRIVE
FOSTER CITY, CA 94404

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LEE, HONG, DEGERMAN, KANG & WAIMEY
660 S. FIGUEROA STREET
Suite 2300
LOS ANGELES CA 90017

MAILED
JAN 31 2012
OFFICE OF PETITIONS

IN RE APPLICATION OF
BEOM JIN JEON ET AL.
APPLICATION NO.: 12/374,529
FILED: JANUARY 21, 2009
ATTORNEY DOCKET NO.: 2080-3696
FOR: METHOD FOR CONTROLLING THE OUTPUT OF DEVICES IN THE NETWORK

: 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 December 21, 2011.

The request and petition are **DENIED**.

Discussion

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or
        ii. validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims,

    or

    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
        ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
        iii. contains no priority claim,

    or

    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or

ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the KR application(s);
   b. An English translation of the allowable/patentable claim(s), and
   c. A statement that the English translation is accurate (if the claims were published in a language other than English);
3. Applicant must:
   a. Ensure that all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KR application(s), and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
   b. An English language translation of the KIPO office action; and
   c. A statement that the English translation is accurate (if the office actions are not in the English language);
6. Applicant must submit:
   a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and
   b. Copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application);

The request to participate in the PPH pilot program and petition fails to meet condition (5).

Regarding requirement (5), a non-final office action was mailed on September 26, 2011. As such the examination of this application has begun.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

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

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:	12/374,532	Filing date:	January 21, 2009
First Named Inventor:	Jens Martin PAULSEN		
Title of the Invention:	Island-Covered Lithium Cobaltite Oxides		

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/EP2008/000313

The international filing date of the corresponding PCT application(s) is/are: January 17, 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)**

[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. 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.

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 PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	12/374,532
First Named Inventor:	Jens Martin PAULSEN

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 April 20, 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 April 20, 2009

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
26	1	See Attachment B
27	2	See Attachment B
28	3	See Attachment B
29	4	See Attachment B
30	5	See Attachment B
31	6	See Attachment B
32	7	See Attachment B
33	8	See Attachment B
34	9	See Attachment B
35	10	See Attachment B
36	11	See Attachment B
37	13	See Attachment B
38	14	See Attachment B
39	15	See Attachment B
40	16	See Attachment B
41	17	See Attachment B
42	18	See Attachment B
43	19	See Attachment B
44	20	See Attachment B

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature Allyn B. Rhodes	Date 10/28/11
Name (Print/Typed) Allyn B. Rhodes	Registration Number 56,745

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U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	12/374,532
First Named Inventor:	Jens Martin PAULSEN

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 April 20, 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 April 20, 2009

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
45	21	See Attachment B
46	22	See Attachment B
47	23	See Attachment B
48	24	See Attachment B
49	25	See Attachment B

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Date
Name (Print/Typed) Allyn B. Rhodes	Registration Number 56,745

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BRINKS, HOFER, GILSON & LIONE
P.O. BOX 110285
RESEARCH TRIANGLE PARK, NC 27709

MAILED
DEC 30 2011
OFFICE OF PETITIONS

In re Application of
PAULSEN, et al.
Application No.: 12/374,532
Filed: January 21, 2009
Attorney Docket No.: 13810-30
For: ISLAND-COVERED LITHIUM COBALTITE OXIDES

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on October 28, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, Russia, Spain, Finland, Austria, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof.

(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.

(8) Applicant is required to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.

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 Diane Goodwyn at 571-272-6735.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

David A. Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FENWICK & WEST, LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

MAILED

AUG 06 2010

OFFICE OF PETITIONS

In re Application of
Anqi Chen, et. al.
Application No. 12/374,610
Filed: September 21, 2009
Attorney Docket No. 26999-15213

DECISION ON PETITION
UNDER 37 CFR 1.78(a)(6)

This is a decision on the renewed petition under 37 CFR 1.78(a)(6), filed July 16, 2010, to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of the prior-filed provisional application set forth in the amendment filed with the present petition.

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.

The petition does not satisfy item (1) above.

It is noted that the amendment filed on July 16, 2010 states that Application number 12/374,610 claims priority to Provisional Application 60/820,005, while the Application Data Sheet (ADS) filed on July 16, 2010 states that PCT/SG2007/000216 is a non provisional of 60/820,005. Unfortunately, since there is a discrepancy between the

amendment and ADS filed on July 16, 2010, the present petition cannot be accepted at this time.

Accordingly, before the petition under 37 CFR 1.78(a)(6) can be granted, a renewed petition under 37 CFR 1.78(a)(6) and either an Application Data Sheet or a substitute amendment is required.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3226.

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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FENWICK & WEST, LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

MAILED

DEC 17 2010

OFFICE OF PETITIONS

In re Application of	:	
Anqi Chen, et. al.	:	
Application No. 12/374,610	:	DECISION ON PETITION
Filed: September 21, 2009	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 26999-15213	:	

This is a decision on the renewed petition under 37 CFR 1.78(a)(6), filed September 3, 2010, to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of the prior-filed provisional application set forth in the amendment filed with the present petition.

The petition is **GRANTED**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

(1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 119(e) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed

application, all other requirements under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed provisional application, is enclosed with this decision.

The application is being forwarded to Technology Center Art Unit 1625 for consideration by the examiner of the claim under 35 U.S.C. §119(e) for the benefit of priority to the prior-filed provisional application.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3226. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

Andrea Smith
Petitions Examiner
Office of Petitions

Enclosure: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
PO Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/374,610	09/21/2009	1625	1500	26999-15213	14	3

CONFIRMATION NO. 1022

CORRECTED FILING RECEIPT

758
FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

OC000000044965759

Date Mailed: 12/15/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Anqi Chen, Jurong Island, SINGAPORE;
Quang Vu Nguyen, Jurong Island, SINGAPORE;

Power of Attorney: The patent practitioners associated with Customer Number 00758

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/SG2007/000216 07/20/2007
which claims benefit of 60/820,005 07/21/2006

Foreign Applications

If Required, Foreign Filing License Granted: 11/08/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/374,610**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Aigialomycin D and Derivatives Thereof and Their Use in Treating Cancer or Malaria or a Microbial Infection

Preliminary Class

514

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where

the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

Leydig, Voit & Mayer, Ltd. (Frankfurt office)
Two Prudential Plaza, Suite 4900
180 North Stetson Avenue
Chicago IL 60601-6731

MAILED
AUG 31 2011
OFFICE OF PETITIONS

In re Application of :
Gerhard KRAFT et al. : ON PETITION
Application No. 12/374,634 :
Filed: April 30, 2009 :
Atty. Docket No.: 812549

This is a decision on the petition under 37 CFR 1.137(b), filed July 29, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers mailed April 19, 2011, which set a period for reply of 2 months. No reply was received. The application became abandoned on June 20, 2011. A Notice of Abandonment was mailed July 8, 2011.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of a Response to the Notice mailed April 19, 2011, (2) the petition fee of $1620, and (3) a statement of unintentional delay. The reply to the Notice is accepted as having been unintentionally delayed.

Telephone inquires regarding this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427).

The application file will be referred to Office of Data Management.

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
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.
12/374,637	01/21/2009	Manfred Laudenklos	TS/KS 1002 US-PAT	1258

96897 7590 07/21/2011
PATENT LAW OFFICES OF DR. NORMAN B. THOT
POSTFACH 10 17 56
RATINGEN, 40837
GERMANY

EXAMINER
LEE, REBECCA Y

ART UNIT	PAPER NUMBER
1734	

MAIL DATE	DELIVERY MODE
07/21/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JUL 21 2011

wk

Mailed:
In re application of
Laudenklos et al.
Serial No. 12/374,637
Filed: 01/21/2009
For: **FLUX AND METHOD FOR THE REDUCTION OF OXIDE LAYERS ON METALLIC SURFACES**

DECISION ON PETITION

This is a decision on a PETITION filed January 22, 2009, 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 Information Disclosure Statement filed on 1/21/09 be expunged. The particular items were inadvertently submitted into the file electronically and were not related to the present application.

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.

The images will be removed from the Official file.

/W. GARY JONES/
Director, Technology Center 1700
Chemical and Materials Engineering

Flynn Barrison
PATENT LAW OFFICES OF DR. NORMAN B. THOT
POSTFACH 10 17 56
RATINGEN 40837 DE GERMANY

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

Date: 05-31-2011

Patent No. : 7,915,002 B2
Application No.: 12/374,757
Issued : May 11, 2011
Inventor : Andreas Bergmann

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 provision of Rule 1.322 or R 1.323.

Respecting the alleged error, on the title page item (30), is an editing change made in accordance with the style of the Invention Patent Manual. Therefore, no correction(s) is in order here under United States Codes (U.S.C.) 254 or 255 the Code of Federal Regulation (C.F.R.) R 1.322 or R 1.323.

In view of the foregoing, the change will read as followings:

(30) Foreign Application Priority Data
10 2006 034 142

Further correspondence concerning this matter should be filed and directed to Decisions and Certificates of Correction Branch. Any response must be filed within a four week period.

Eva James
For Mary Diggs
Certificates of Correction Branch
571-272-3422 or 703-756-1580
Heslin Rothenberg Farley & Mesiti P.C.
5 Columbia Circle
Albany, NY 12203

ej

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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GERSTENZANG, WILLIAM C.
NORRIS MCLAUGHLIN & MARCUS, PA
875 THIRD AVE, 8TH FLOOR
NEW YORK NY 10022

MAILED
OCT 11 2011
OFFICE OF PETITIONS

In re Application of Husemann et al. Application No. 12/374,805 Filed: January 23, 2009 Attorney Docket No. 101769-492 WCC	: : : : :	ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed September 30, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Issue Fee Transmittal with payment of the $1740.00 issue fee and the $300.00 publication fee, (2) the petition fee of $1860.00, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to the Office of Data Management for processing into a patent.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WILLIAM J. SAPONE
COLEMAN SUDOL SAPONE P.C.
714 COLORADO AVENUE
BRIDGE PORT CT 06605

MAILED

NOV 07 2011

OFFICE OF PETITIONS

In re Application of Andrea Bernacchi Application No. 12/374,812 Filed: January 23, 2009 Attorney Docket No. 377/9-2623	: : : : :	DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 18, 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 25, 2011, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on June 28, 2011. A Notice of Abandonment was mailed 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 an Amendment, (2) the petition fee of $930.00, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to Technology Center AU 1746 for appropriate action by the Examiner in the normal course of business on the reply received.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

Doc Code: PET.AUTO 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	12374825
Filing Date	23-Jan-2009
First Named Inventor	Sylvia Ohresser
Art Unit	1781
Examiner Name	ANTHONY WEIER
Attorney Docket Number	88265-8218
Title	METHOD FOR DELIVERING FASTER A SHORT COFFEE EXTRACT FROM CAPSULE

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	/Allan A. Fanucci/
Name	Allan A. Fanucci
Registration Number	30256

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : February 6, 2012

In re Application of :

Sylvia Ohresser

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12374825

Filed : 23-Jan-2009

Attorney Docket No : 88265-8218

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed February 6, 2012 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid 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 1781 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

01 SEP 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

01688
POLSTER, LIEDER, WOODRUFF & LUCCHESI, L.C.
12412 Powerscourt Drive, Suite 200
St. Louis, MO 63131-3615

In re Application of
Al *et al*
U.S. Application No.: 12/374,855
PCT No.: PCT/US2007/74210
Int. Filing Date: 24 July 2007
Priority Date: 24 July 2006
Attorney Docket No.: TIMK 9624W1
For: ELECTRIC MOTOR WITH AXIALLY MOVABLE ROTOR ASSEMBLY

DECISION

This decision is in response to applicants' renewed petition under 37 CFR 1.47(a) filed 15 July 2010.

BACKGROUND

On 15 March 2010, a decision dismissing applicants' petition under 37 CFR 1.47(b) was mailed. Petitioners were given two-months to respond with extensions of time available pursuant to 37 CFR 1.136(a).

On 15 July 2010, applicants filed the subject response which was accompanied by, *inter alia*, an executed declaration of Bradley MULARCIK and Don REMBOSKI; a statement of facts; and documentary evidence in support of the petition.

DISCUSSION

In the original petition under 37 CFR 1.47(a), applicants claimed that Richard KNEPPER, Don REMBOSKI and Bradley MULARCIK could not be located.

In the renewed response, applicants provided separate declarations signed by Don REMBOSKI (Exhibit A) and Bradley MULARCIK (Exhibit B). The declaration for Mr. MULARCIK is in compliance with 37 CFR 1.497(a)-(b), and is accepted.

However, the declaration for Mr. REMBOSKI contains non-initialed changes with regard to his residence and is not accepted.

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. *See* MPEP § 605.04(a). A new declaration signed by Mr. REMBOSKI is required.

Concerning Richard KNEPPER, applicants now claim that he refuses to join in the application. Applicants provided a statement of facts by Janine O'Wesney detailing the efforts to obtain the signature of Mr. KNEPPER along with documentary evidence in support of the statement.

A review of the evidence shows that a complete copy of the application and a declaration were provided to Mr. Knepper at 265 St. Route 271, Ligonier, PA 15658. The documents were signed for by Mr. KNEPPER on 04 June 2010. A copy of the postal receipt was provided. Petitioners state that a response from Mr. KNEPPER has not been received.

This conduct is sufficient to show a refusal by conduct. *See* MPEP § 409.03(d)(II). Item (2) of 37 CFR 1.47(a) is satisfied.

Regarding item (4), the prior decision stated that the declaration submitted with the petition executed by Xialon Al and Chris VAN DRESS was not acceptable as it was considered a composite declaration. Applicants were required to provide the complete copy presented to each inventor to be returned to the Office. Applicants failed to do so.

Accordingly, item (4) of 37 CFR 1.47(a) is still not satisfied.

CONCLUSION

For the reasons discussed above, applicants' renewed petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are available.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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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01688
POLSTER, LIEDER, WOODRUFF & LUCCHESI, L.C.
12412 Powerscourt Drive, Suite 200
St. Louis, MO 63131-3615

MAILED
DEC 16 2010
PCT LEGAL ADMINISTRATION

In re Application of :
AI *et al* :
U.S. Application No.: 12/374,855 :
PCT No.: PCT/US2007/74210 :
Int. Filing Date: 24 July 2007 :
Priority Date: 24 July 2006 :
Attorney Docket No.: TIMK 9624W1 :
For: ELECTRIC MOTOR WITH AXIALLY :
MOVABLE ROTOR ASSEMBLY :

DECISION

This decision is in response to applicants' renewed petition under 37 CFR 1.47(a) filed 01 November 2010.

BACKGROUND

On 01 September 2010, a decision dismissing applicants' renewed petition under 37 CFR 1.47(b) was mailed. Applicants were given two-months to respond with extensions of time available pursuant to 37 CFR 1.136(a).

On 01 November 2010, applicants filed a renewed response which included executed declaration by three co-inventors.

DISCUSSION

The prior decision noted that the declaration for Don. REMBOSKI contained non-initialed changes with regard to his residence. A new declaration for Mr. REMBOSKI was required. In addition, applicants were required to complete copies of the declarations executed by Xialon AI and Chris VAN DRESS.

Applicants have submitted a new declaration by Don REMBOSKI, and complete copies of the declaration executed by Xialon AI and Chris VAN DRESS. These declarations are in compliance with 37 CFR 1.497(a) and (b).

All items of 37 CFR 1.47(a) are now complete.

CONCLUSION

Applicant's renewed petition under 37 CFR 1.47(a) is hereby **GRANTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 24 July 2007 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 01 November 2010.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record and will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing

James Thomson

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

Richard Knepper
265 St. Route 271
Ligonier, PA 15658

MAILED

DEC 16 2010

PCT LEGAL ADMINISTRATION

In re Application of
Al *et al*
U.S. Application No.: 12/374,855
PCT No.: PCT/US2007/74210
Int. Filing Date: 24 July 2007
Priority Date: 24 July 2006
Attorney Docket No.: TIMK 9624W1
For: ELECTRIC MOTOR WITH AXIALLY MOVABLE ROTOR ASSEMBLY

Dear Mr Knepper:

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

POLSTER, LIEDER, WOODRUFF & LUCCHESI, L.C.
12412 Powerscourt Drive, Suite 200
St. Louis, MO 63131-3615

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

MAILED
JAN 26 2011
OFFICE OF PETITIONS

Applicant: Schoenfisch et al.
Appl. No.: 12/374,932
Filing Date: August 24, 2007
Title: NITRIC OXIDE MICROSENSORS VIA FLUOROSILANE-BASED XEROGEL MEMBRANES
Attorney Docket: 035052/367819
Pub. No.: US 2010/0051480 A1
Pub. Date: March 4, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on April 16, 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 in claim 8 wherein a dash is missing from the chemical formula.

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). Requestor noted the published claim 8 did not include a dash between (F_3C and $(CF_2)_m$). The correct formula is printed throughout the publication, thus anyone with 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

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A Quick Start Guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp
OR
http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication."

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ELECTRO SCIENTIFIC INDUSTRIES/STOEL RIVES, LLP
900 SW FIFTH AVE.
SUITE 2600
PORTLAND OR 97204-1268

MAILED

DEC 16 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	
BAIRD, et al.	:	
PCT No.: PCT/US2007/074340	:	DECISION ON PETITION
Application No.: 12/374,989	:	
Int. Filing Date: 25 July 2007	:	UNDER 37 CFR 1.47(a)
Priority Date: 27 July 2006	:	
Atty. Docket No.: 50002/150:2	:	
For: TANDEM PHOTONIC AMPLIFIER	:	

This decision is in response to applicant's petition under 37 CFR § 1.47 filed 18 November 2011 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 25 July 2007, applicant filed international application PCT/US2007/074340 which claimed priority to an earlier application filed 27 July 2006. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 27 January 2009.

On 23 January 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), an application data sheet, an Information Disclosure Statement and a preliminary amendment.

On 18 April 2011, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date. Applicant was afforded two months to file the proper reply and informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 18 November 2011, applicant filed the present petition under 37 CFR 1.47(a) accompanied by a petition for a five-month extension of time and payment of the extension of time fee. The response is timely filed.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. With the filing of the present petition and accompanying papers, applicant has satisfied all four items.

CONCLUSION

For the reasons above, applicant's petition under 37 CFR 1.47(a) is **GRANTED**.

The application has an international filing date of 25 July 2007 under 35 U.S.C. 363, and will be given a date of **18 November 2011** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record. A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the DO/EO/US for processing in accordance with this decision.

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. Wensheng Ren
444 Mohican Drive
Frederick, MD 21701-4705

MAILED
DEC 16 2011
PCT LEGAL ADMINISTRATION

In re Application of
BAIRD, et al.
PCT No.: PCT/US2007/074340
Application No.: 12/374,989
Int. Filing Date: 25 July 2007
Priority Date: 27 July 2006
Atty. Docket No.: 50002/150:2
For: TANDEM PHOTONIC AMPLIFIER

Dear Mr. Ren:

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:

STOEL RIVES, LLP
900 SW FIFTH AVE.
SUITE 2600
PORTLAND OR 97204-1268

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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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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

MAILED

DEC 03 2010

PCT LEGAL ADMINISTRATION

In re Application of HANADA et al	:	
U.S. Application No.: 12/374,998	:	
Filing Date: 23 January 2009	:	DECISION
Priority Date Claimed: 23 January 2008	:	
Attorney Docket No.: NODA1.001AUS	:	
For: METHOD FOR MEASURING	:	
DEFORMATION OF TIRE TREAD	:	

This is in response to applicant's petition under 37 CFR 1.182 filed 29 January 2009.

BACKGROUND

On 23 January 2009, applicant filed application papers via the EFS-Web electronic filing system of the USPTO. The submission was identified as a national state filing under 35 U.S.C. 371.

On 29 January 2009, applicant filed the present petition under 37 CFR 1.182.

DISCUSSION

The petition states that applicant erroneously selected the application type when making the EFS-Web submission. Applicant's explanation for the mistake is accepted.

Applicant is advised that any period of adjustment to the term of a patent under 35 U.S.C. 154(b) may be reduced by the period of time beginning on the filing date accorded under 35 U.S.C. 111 and ending on the mailing date of this decision. See 37 CFR 1.704(a).

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 is GRANTED

This application is being forwarded to the Office of Patent Application Processing for treatment of the 23 January 2009 submission as a filing under 35 U.S.C. 111(a).

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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MORRISON & FOERSTER LLP
12531 HIGH BLUFF DRIVE
SUITE 100
SAN DIEGO, CA 92130-2040

MAILED

MAY 18 2011

OFFICE OF PETITIONS

In re Application of
Sanjay Jain, et al.
Application No. 12/375,006
Filed: January 23, 2009
Attorney Docket No. SCHLI7.001APC

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 March 22, 2011.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Morrison & Forester, LLP has been revoked by the assignee of the patent application on April 11, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to undersigned at 571-272-1642.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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MORRISON & FOERSTER LLP
12531 HIGH BLUFF DRIVE, SUITE 100
SAN DIEGO, CA 92130-2040

MAILED

MAY 09 2011

OFFICE OF PETITIONS

In re Application of	:	
JAIN, et al	:	
Application No. 12/375,008	:	DECISION ON PETITION
Filed: January 23, 2009	:	TO WITHDRAW
Attorney Docket No. 677492000800	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 22, 2011.

The request is **NOT APPROVED because it is moot.**

A review of the file record indicates that the power of attorney to Kate H. Murashige and the attorneys associated with Customer No. 25225, has been revoked by the assignee of the patent application on April 11, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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: LIPOXEN TECHNOLOGIES LIMITED
LONDON BIOSCIENCE INNOVATION CENTRE
2 ROYAL COLLEGE STREET
LONDON NW1 0NH UK

UNITED STATES PATENT AND TRADEMARK OFFICE

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MORRISON & FOERSTER LLP
12531 High Bluff Drive
Suite 100
San Diego, CA 92130-2040

MAILED
MAY 09 2011
OFFICE OF PETITIONS

In re Application of	:	
Sanjay Jain, et al.	:	
Application No. 12/375,010	:	DECISION ON PETITION
Filed: March 22, 2011	:	TO WITHDRAW
Attorney Docket No. SCHLI7.003APC	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 22, 2011.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Morrison & Foerster LLP has been revoked by the assignee of the patent application on April 11, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Terri Johnson at 571-272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **KNOBBE MARTENS OLSON & BEAR LLP**
2040 Main Street
Fourteenth Floor
Irvine, CA 92614

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MORRISON & FOERSTER LLP
12531 HIGH BLUFF DRIVE
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SAN DIEGO CA 92130-2040

MAILED
APR 11 2011
OFFICE OF PETITIONS

In re Application of	:	
JAIN, Sanjay et al.	:	
Application No. 12/375,012	:	DECISION ON PETITION
Filed: November 17, 2009	:	TO WITHDRAW
Attorney Docket No. **677492001000**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 22, 2011.

The request is **NOT APPROVED**.

The Office has revised its change in procedure for request to withdraw from representation applies to requests filed on or after May 12, 2008.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request to change the correspondence address is not that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71 who has properly intervened.

If an assignee has intervened in this application, then an up dated Statement under 37 CFR 3.73(b) or a copy of the actual assignment must be submitted with a renewed request.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **LIPOXEN TECHNOLOGIES LIMITED**
LONDON BIOSCIENCE INNOVATION CENTRE
2 ROYAL COLLEGE STREET
LONDON, NW1 0NH
UNITED KINGDOM

UNITED STATES 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 9,2011

In re Application of :

Ofir Kobani

Application No : 12375030

Filed : 06-Dec-2009

Attorney Docket No : 1400.0129

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed August 9,2011

The request is **APPROVED.**

The request was signed by Michael Kondoudis (registration no. 42758) on behalf of all attorneys/agents associated with Customer Number 75485 . All attorneys/agents associated with Cusotmer Number 75485 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	Ofir
Name2	Kobani
Address 1	70 Meshek Street
Address 2	
City	Ganei Yohanan
State	
Postal Code	76922
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	12375030
Filing Date	06-Dec-2009
First Named Inventor	Ofir Kobani
Art Unit	3622
Examiner Name	AFFAF AHMED
Attorney Docket Number	1400.0129
Title	METHOD FOR CONTEXTUAL BASED CLASSIFIED ADVERTISING

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 75485

The reason(s) for this request are those described in 37 CFR:

10.40(c)(1)(iv)

Certifications

☒ I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment

☒ I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled

☒ I/We have notified the client of any responses that may be due and the time frame within which the client must respond

Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:

Name	Ofir Kobani
Address	70 Meshek Street
City	Ganei Yohanan
State	
Postal Code	76922
Country	IL

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Michael Kondoudis/
Name	Michael Kondoudis
Registration Number	42758

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P.O. Box 1450
Alexandria, VA 22313-1450
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23872
MCGLEW & TUTTLE, PC
P.O. Box 9227
Scarborough Station
Scarborough, NY 10510-9227

MAILED

APR 05 2011

PCT LEGAL ADMINISTRATION

In re Application of
JÄGER, Erich
Application No.: 12/375,065
PCT No.: PCT/CH2007/000361
Int. Filing Date: 20 July 2007
Priority Date: 26 July 2006
Attorney Docket No.: 73234
For: APPARATUS FOR STORAGE OF OBJECTS FROM THE FIELD OF MANUFACTURE OF ELECTRONIC COMPONENTS

DECISION

This is a decision on the declaration filed on 19 January 2010 which is treated as a petition under 37 CFR 1.42. No fee is required.

BACKGROUND

On 22 September 2009, 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) was mailed indicating that an abstract, a declaration in compliance with 37 CFR 1.497(a) and (b), and a surcharge fee was required. Applicant was given one month to respond. Extensions of time under 37 CFR 1.136(a) were provided.

On 19 January 2010, applicant filed the instant response which was accompanied by, *inter alia*, a two-month extension fee of $490.00, the surcharge fee and a declaration signed by the legal representative of the deceased inventor.

DISCUSSION

Applicant furnished a declaration signed by Doris Jäger as the legal representative of deceased inventor, Erich JÄGER.

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.

37 CFR 1.497(a)(3) requires that the name and citizenship of each inventor be listed on the declaration. 37 CFR 1.497(b)(2) states that the citizenship, residence, and mailing address of the legal representative of an inventor must also be recorded on the declaration.

A review of the declaration filed 19 January 2010 shows that citizenship, residence and mailing address information for the legal representative are listed (twice) on the declaration . However, the required citizenship information for the deceased inventor is not recorded on the declaration anywhere.

Accordingly, the declaration does not comply with 37 CFR 1.497(a) and (b).

CONCLUSION

Applicant's petition under 37 CFR 1.42 is **DISMISSED** without prejudice.

Applicant is required to provide an oath or declaration in compliance with 37 CFR 1.497(a) and (b) within a time limit of **TWO (2) MONTHS** from the mail date of this decision. Extension of time may be granted under 37 CFR 1.136(a).

Failure to timely respond will result in the abandonment of the application.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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23872
MCGLEW & TUTTLE, PC
P.O. Box 9227
Scarborough Station
Scarborough, NY 10510-9227

MAILED
AUG 09 2011
PCT LEGAL ADMINISTRATION

In re Application of
JÄGER, Erich
Application No.: 12/375,065
PCT No.: PCT/CH2007/000361
Int. Filing Date: 20 July 2007
Priority Date: 26 July 2006
Attorney Docket No.: 73234
For: APPARATUS FOR STORAGE OF OBJECTS FROM THE FIELD OF MANUFACTURE OF ELECTRONIC COMPONENTS

DECISION

This is a decision on the response filed 20 June 2011 which is treated as a renewed petition under 37 CFR 1.42. No fee is required.

BACKGROUND

On 05 April 2011, a decision dismissing applicant's petition under 37 CFR 1.42 was mailed. Applicant was given two months to respond with extensions of time available.

On 20 June 2011, applicant filed the instant response which was accompanied by, *inter alia*, a one-month extension fee, and a new declaration signed by the legal representative of the deceased sole inventor.

DISCUSSION

In the renewed response, applicant furnished another declaration signed by Doris Jäger as the legal representative of the deceased inventor, Erich JÄGER.

The name and citizenship of the deceased inventor are recorded on the new declaration as required. In addition, the citizenship, residence and address of the legal representative are also listed on the declaration. As such, the declaration filed 20 June 2011 is in compliance with 37 CFR 1.497(a) and (b).

CONCLUSION

The papers filed under 37 CFR 1.42 are **ACCEPTED**.

Applicant has completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 20 July 2007 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 20 June 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 12/12/11

TO SPE OF : ART UNIT 3616

SUBJECT : Request for Certificate of Correction for Appl. No.: 12375228 Patent No.: 8028783

CofC mailroom date: 12/01/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580
[redacted]

Note: **Should the Related U.S. Application Data be inserted?**

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

X **Approved** — **All** changes apply.

☐ **Approved in Part** — Specify below which changes **do not** apply.

☐ **Denied** — State the reasons for denial below.

Comments: APPROVED /PND/

/Paul N. Dickson/ 3616

SPE **Art Unit**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 9-24-11

TO SPE OF : ART UNIT 1765

SUBJECT : Request for Certificate of Correction for Appl. No.: 12375245 Patent No.: 8007579

CofC mailroom date: 9-15-11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D40-E
Palm Location 7580

Note: _

Omega Lewis

703-756-1575

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- [x] **Approved** — **All** changes apply.
- [ ] **Approved in Part** — Specify below which changes **do not** apply.
- [ ] **Denied** — State the reasons for denial below.

Comments:_____

SPE James Seullen Art Unit 1765

UNITED STATES PATENT AND TRADEMARK 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.
12/375,246	01/27/2009	Kenji Nishida	JAR-4578-38	6002

23117 7590 02/21/2012
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER
NGUYEN, THANH NHAN P

ART UNIT	PAPER NUMBER
2871	

NOTIFICATION DATE	DELIVERY MODE
02/21/2012	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOMAIL@nixonvan.com
clm@nixonvan.com

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P.O. Box 1450
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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

In re Application of	:	
Kenji Nishida	:	DECISION ON PETITION
Appl. No.: 12/375,246	:	UNDER 37 C.F.R. § 1.59
Filed: January 27, 2009	:	
Attorney's Docket No.: JAR-4578-38	:	
For: DISPLAY DEVICE	:	

This is a decision on the letter filed April 06, 2010, requesting withdrawal of the information unintentionally submitted on March 16, 2010. The letter is being treated as a petition to expunge information under 37 C.F.R. §1.59(b).

The petition is DENIED.

Petitioner requests that the Information Disclosure Statement (IDS), filed March 16, 2010, be expunged from the record because it was mistakenly filed in the instant application instead of another application of the same assignee.

Pursuant to M.P.E.P. § 724.05. III., "37 CFR 1.59(b) also covers the situation where an unintended heading has been placed on papers so that they are present in an incorrect application file. In such a situation, a petition should request that the papers be expunged ..... The grant of such a petition will be governed by the factors enumerated in paragraph II of this section in regard to the unintentional submission of information..."

Pursuant to M.P.E.P. § 724.05.II., information unintentionally submitted may be expunged from the file record provided that: (A) the Office can effect such return prior to the issuance of any patent on the application in issue; (B) it is stated 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; (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; (E) it is established to the satisfaction of the Director that the information to be returned is not material information under 37 CFR 1.56; and (F) the petition fee as set forth in 37 CFR 1.17(g) is included.

The petition also does not satisfy conditions (B), (C), (D) and (E) above for a grantable petition to expunge information unintentionally submitted in the application under M.P.E.P. § 724.05. III.

For the above-stated reasons, the petition to expunge is denied. The IDS filed March 16, 2010 will remain in the file record.

Any inquiry regarding this decision should be directed to Hien H. Phan, Quality Assurance Specialist, at (571) 272-1606.

Joseph Thomas, TC Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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SPRINKLE IP LAW GROUP / ZIMMER
1301 W. 25TH STREET
SUITE 408
AUSTIN, TX 78705

MAILED

MAR 26 2012

OFFICE OF PETITIONS

In re Application of
Christian Baccelli
Application No. 12/375,265
Filed: March 9, 2009
Attorney Docket No. ZIMM2450-US

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 25, 2012.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Sprinkle IP Law Group / Zimmer has been revoked by the assignee of the patent application on February 16, 2012. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to undersigned at 571-272-1642.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

SCHLUMBERGER RESERVOIR COMPLETIONS
14910 AIRLINE ROAD
BLDG. 14
ROSHARON TX 77583

In re Application of
Arthur a. HARTOG
Application No. 12/375,306
Filed: May 4, 2009
Attorney Docket No. 101.0206/PCT/US

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 25, 2010, to revive the above-identified application.

The petition is **GRANTED.**

The two-month period for filing an appeal brief under 37 CFR 41.37 (accompanied by the fee required by 37 CFR 41.20(b)(2)), runs from the date of this decision.

This application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of April 15, 2010. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination (RCE) and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is July 16, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Notice of Appeal; (2) the petition fee of $1620; and (3) a proper statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $490 extension of time fee submitted with the petition on October 25, 2010, was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's Deposit Account 50-0457.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to Technology Center AU 2883 to await the filing of an appeal brief or for such other appropriate reply as may be submitted to continue prosecution of the application.

/DCG/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

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RATNERPRESTIA
P.O. BOX 980
VALLEY FORGE PA 19482

MAILED

FEB 24 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	
SICKART et al.	:	
Application No.: 12/375,322	:	DECISION ON PETITION
PCT No.: PCT/EP2007/005666	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 27 June 2007	:	
Priority Date: 28 July 2006	:	
Attorney Docket No.:PORS-142US	:	
For: SHIFT DEVICE FOR AN AUTOMATED OR AUTOMATIC TRANSMISSION		

The petition to revive under 37 CFR 1.137(b) filed 14 January 2011 in the above-captioned application is hereby **GRANTED** as follows:

Applicants' statement that "the entire delay in filing the required reply from the due date for the 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 applicants have submitted the required reply (English translation of the international application) and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298

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United States Patent and Trademark Office
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MAILED
NOV 30 2010
OFFICE OF PETITIONS

CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON, MA 02110

Applicant: Plas et al.
Appl. No.: 12/375,374
International Filing Date: July 30, 2007
Title: USE OF POLYETHYLENE GLYCOL IN INFLAMMATION RELATED TOPICAL DISORDERS OR DISEASES AND WOUND HEALING
Attorney Docket: 50304/210001
Pub. No.: US 2009/0317474 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 23, 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 in the specification wherein "Na+-methylcellulose" was incorrectly printed as "Na+-ethylcellulose".

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 requester wherein "CMC (Na+-ethycleeulose)" was printed rather than "CMC (Na+-methylcellulose)" is an Office mistake but it is not a material mistake in the publication made by the Office under 37 CFR 1.221(b). The error is clearly a typographical error, thus, one of ordinary skill in the art would clearly understand the nature of the typographical error. 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

[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).

determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

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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MAIL STOP: C.2111F
RESEARCH TRIANGLE PARK NC 27709-3398

MAILED
JUN 01 2011
OFFICE OF PETITIONS

In re Application of	:	
Giblin, et al.	:	
Application No. 12/375,449	:	DECISION
Filed/Deposited: 28 January, 2009	:	
Attorney Docket No. PB61934USw	:	

This is a decision on the petition filed on 14 March, 2011, pursuant to 37 C.F.R. §1.137(b) for revival of an application abandoned due to unintentional delay.

The petition pursuant to 37 C.F.R. §1.137(b) is **GRANTED**.

As to the Allegations
of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement and/or showing of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II).

BACKGROUND

The record reflects as follows:

Applicant failed to reply timely and properly to the Requirement for Restriction mailed on 30 April, 2010, with reply due absent extension of time on or before 30 May, 2010.

The application went abandoned by operation of law after midnight 30 May, 2010.

The Office mailed the Notice of Abandonment on 6 January, 2011.

On 14 March, 2011, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.137(b), with fee, with a statement of unintentional delay and a reply in the form of an election.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).[2]
The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

Unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and, by definition, are not intentional.[3]))

---

[1] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated pursuant to 37 C.F.R. §11.18 (formerly §10.18) to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

[2] 35 U.S.C. §133 provides:

35 U.S.C. §133 Time for prosecuting application.
Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

[3] Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

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 1628 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.

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

[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 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

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MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

MAILED
AUG 17 2011
PCT LEGAL ADMINISTRATION

In re Application of
SPASOJEVIC et al.
U.S. Application No. 12/375,482
PCT Filing Date: November 06, 2007
Attorney Docket No. 5405-402
For: METHOD OF ACTIVATION OF OXAZAPHOSPHORINES

DECISION ON PETITION
UNDER 37 CFR 1.78(a)(3)

This decision is issued in response to applicant's "Petition for Unintentionally Delayed Priority Claim under 37 CFR 1.78(a)(6)" filed June 29, 2011 requesting acceptance of an unintentionally delayed claim for priority under 35 U.S.C. 365(c) to provisional application 60/864,816.

The petition is DISMISSED.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional applications is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). 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(s), unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The petition does not comply with item (1) above.

The reference to add the prior-filed application on page one following the first sentence of

the specification is not acceptable as drafted since it improperly incorporates by reference the prior-filed applications. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (see 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. See Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). Note MPEP §§ 201.06(c) and 608.04(b).

Before the petition under 37 CFR § 1.78(a)(6) can be granted, a renewed petition and a proper amendment (complying with the provisions of 37 CFR 1.121) to correct the above matter is required.

Any questions concerning this matter may be directed to Anthony Smith at (571) 272-3298.

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
Legal Examiner
Office of PCT Legal Administration

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OCT 21 2011

PCT LEGAL ADMINISTRATION

MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

In re Application of
SPASOJEVIC et al.
U.S. Application No. 12/375,482
PCT Filing Date: November 06, 2007
Attorney Docket No. 5405-402
For: METHOD OF ACTIVATION OF OXAZAPHOSPHORINES

DECISION ON PETITION UNDER 37 CFR 1.78(a)(6)

This decision is issued in response to applicants' "Renewed Petition for Unintentionally Delayed Priority Claim under 37 CFR 1.78(a)(6)" filed September 01, 2011.

The petition is DISMISSED without prejudice.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(6) is only applicable to those application 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).

However, on April 08, 2011, a final rejection was mailed and the examiner has indicated that the amendment after final rejection submitted with the present petition would not be entered because the amendment raises new issues which would require further consideration and/or search. Therefore, the present petition cannot be granted at this time.

Any request for reconsideration of this petition must be accompanied by a cover letter entitled "Renewed Petition under 37 CFR 1.78(a)(6)" and must include the appropriate reply to continue prosecution of the instant application.

Any question concerning this matter may be directed to Anthony Smith at (571)-272-3298.

The application is being referred to the examiner for issuance of an Advisory Action concerning the amendment filed September 01, 2011.

BLin

Bryan Lin
Legal Examiner
Office of PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED
DEC 20 2011
PCT LEGAL ADMINISTRATION

MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

In re Application of
SPASOJEVIC et al.
U.S. Application No. 12/375,482
PCT Filing Date: November 06, 2007
Attorney Docket No. 5405-402
For: METHOD OF ACTIVATION OF OXAZAPHOSPHORINES

DECISION ON PETITION
UNDER 37 CFR 1.78(a)(6)

This decision is issued in response to applicant's "Second Renewed Petition for Unintentionally Delayed Priority Claim under 37 CFR 1.78(a)(6)" filed December 12, 2011 requesting acceptance of an unintentionally delayed claim for priority under 35 U.S.C. 365(c) to provisional application 60/864,816.

The petition is GRANTED.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

(1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The instant pending nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed provisional applications are 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).

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(6) in that (1) a reference to the above-noted, prior-filed provisional application has been included in an amended specification, 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 instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 119(e) to the above-noted, prior-filed provisional application satisfies the conditions of 37 CFR 1.78(a)(6), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(6) should not be construed as meaning that the instant application is entitled to the benefit of the filing date of the prior-filed application. In order for the instant application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the instant application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed application, accompanies this decision on petition. Any questions concerning this matter may be directed to Anthony Smith at (571) 272-3298. 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 1628 for appropriate action on the amendment submitted December 12, 2011, including consideration by the examiner of the claim for benefit of the prior-filed application.

Bryan Lin
Legal Examiner
Office of PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Decision Date : November 1,2011

In re Application of :

Myung Hyun Lee

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12375608

Filed : 29-Jan-2009

Attorney Docket No : SHI-172NP

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed November 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 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 2874 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	12375608
Filing Date	29-Jan-2009
First Named Inventor	Myung Hyun Lee
Art Unit	2874
Examiner Name	MICHAEL MOONEY
Attorney Docket Number	SHI-172NP
Title	OPTICAL WIRING MODULE

An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).

A grantable petition requires the following items:
(1) Petition fee; and
(2) One of the following reasons:
(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;
(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or
(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).

Petition Fee

☐ Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

☒ Applicant(s) status remains as SMALL ENTITY.

☐ Applicant(s) status remains as other than SMALL ENTITY

Reason for withdrawal from issue

○ One or more claims are unpatentable

◉ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)

○ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request,submission, and fee.

☐ I certify, in accordance with 37 CFR 1.4(d)(4) that : The RCE request ,submission, and fee have already been filed in the above-identified application on

☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

◉ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.

○ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.

○ A sole inventor

○ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors

○ A joint inventor; all of whom are signing this e-petition

○ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Steven M. Rabin/
Name	Steven M. Rabin
Registration Number	29102

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 07/15/11

TO SPE OF : ART UNIT 2477

SUBJECT : Request for Certificate of Correction for Appl. No.: 12375623 Patent No.: 7948980

CofC mailroom date: 07/08/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580
[redacted]

Note: Should Claim 4 be approved?

Yes

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: _____

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

2477

CHIRAG G. SHAH
SUPERVISORY PATENT EXAMINER

SPE Art Unit

- 9 SEP 2010

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1327 W. WASHINGTON BLVD.
SUITE 5G/H
CHICAGO IL 60607

In re Application of	:	
DRIFKA, Brian Norbert, et al.	:	
Application No.: 12/375,630	:	DECISION
PCT No.: PCT/US2007/017049	:	
Int. Filing Date: 30 July 2007	:	ON PETITIONS UNDER
Priority Date: 29 July 2006	:	
Docket No.: RYT-061136	:	37 CFR 1.47(a) and 1.182
For: HIGH SPEED DOOR ASSEMBLY	:	

This is a decision on applicants' Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 21 June 2010.

BACKGROUND

On 15 April 2010, the Office mailed Decision On Petition Under 37 CFR 1.47(a), dismissing applicants' petition without prejudice.

On 21 June 2010, applicants filed a renewed petition under 37 CFR 1.47(a) and a petition under 37 CFR 1.182. The petition included a certificate of first class mailing it was deposited on 14 April 2010.

DISCUSSION

As the certificate of mailing did not correctly state the date of intended deposit with the United States Postal Service, the certificate is ineffective. The fee for a one month extension of time will be charged to deposit account no. 50-0545, as authorized.

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Item (1), (2) and (3) have been met. The $200 petition fee has been paid. A complete copy of the application papers, including the declaration were sent to inventor Kalempa's last known address, but after the passage of reasonable period of time, an executed declaration has

not been returned. Applicant states the last known address of Walenty Kalempa as 240 Hunters Xings, Slinger, WI 53086.

Item (4) has now been satisfied. Applicants have furnished a petition under 37 CFR 1.182 to correct the name of inventor Grasso. The inventor indicates he is "Donald P. Grasso" and that the error in naming him as "Don Grasso" occurred without deceptive intention on his part. The declaration does complies with 37 CFR 1.497(a)-(b) and 37 CFR 1.47.

CONCLUSION

For the above reasons, applicant's petitions under 37 CFR 1.47(a) and 37 CFR 1.182 are **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including accordation of a 35 U.S.C. §371(c)(1), (c)(2) and (c)(4) date of **11 February 2010**.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

- 9 SEP 2010

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Walenty Kalempa
240 Hunters Xings
Slinger, WI 53086

In re Application of
DRIFKA, Brian Norbert, et al.
Application No.: 12/375,630
PCT No.: PCT/US2007/017049
Int. Filing Date: 30 July 2007
Priority Date: 29 July 2006
Docket No.: RYT-061136
For: HIGH SPEED DOOR ASSEMBLY

Dear Mr. Kalempa:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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CHICAGO IL 60607

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17 AUG 2010

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Douglas Holtz
Frishauf, Holtz, Goodman & Chick P.C.
220 5th Avenue, 16th Floor
New York, NY 10001-7708

In re Application of Nagai, et al. Application No.: 12/375,651 PCT No.: PCT/JP2007/064864 Int. Filing Date: 30 July 2007 Priority Date: 31 July 2006 Attorney's Docket No.: 08704/LH For: BIDIRECTIONAL CONVERTER AND ELECTRONIC DEVICE	DECISION ON RENEWED REQUEST UNDER 37 CFR 1.42

This is a decision on the "RENEWED REQUEST UNDER 37 CFR 1.42" filed 16 October 2009, a further "RENEWED REQUEST UNDER 37 CFR 1.42" filed 05 March 2010, and the "SUPPLEMENTAL TO RENEWED REQUEST UNDER 37 CFR 1.42 FILED MARCH 5, 2010." No petition fees are due.

BACKGROUND

On 30 July 2007, applicants filed international application PCT/JP2007/064864, which claimed priority of an earlier Japanese application which was filed 31 July 2006. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 31 January 2009.

On 29 January 2009, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, *inter alia*, a declaration of inventorship, a translation of the international application and the requisite basic national fee as required by 35 U.S.C. 371(c)(1). These papers were assigned Application No. 12/375,651.

Applicants' declaration was treated as a request under 37 CFR 1.42 because the declaration filed 29 January 2009 failed to identify the citizenship of the deceased inventor (Tamiji Nagai). Accordingly, on 01 October 2009, a decision was mailed to applicant indicating that the declaration was not acceptable under 37 CFR 1.497.

On 16 October 2009, applicant filed a renewed petition. Applicant then filed a supplemental renewed petition on 05 March 2010 to specify applicant's intent with respect to the residence and citizenship of deceased inventor Tamiji Nagai, and his legal representative Toshio Nagai. On 31 March 2010, applicant filed a second supplemental petition along with a supplement ADS indicating the residence of the deceased inventor.

DISCUSSION

Applicant has provided the citizenship and the residence for both the deceased inventor and the legal representative. Therefore, the petition is hereby granted.

CONCLUSION

Applicants' request under 37 CFR 1.42 is **GRANTED**.

The Application Division and the International Division are authorized to accept the application as a 37 CFR 1.42 application and to mail a filing receipt. The application will be given an international filing date of 30 July 2007 under 35 U.S.C. 363, and a date of 29 January 2009 under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

Debra Brittingham
PCT Special Programs Examiner
Office of PCT Legal Administration

Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

Tel: (571) 272-3280

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Alexandria, VA 22313-1450
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Arnold & Porter LLP (24126)
Attn: SV Docketing Dept.
1400 Page Mill Road
Palo Alto CA 94304

MAILED

OCT 21 2010

PCT LEGAL ADMINISTRATION

In re Application of :
BORROMEO et al. :
U.S. Application No.: 12/375,662 :
PCT No.: PCT/US2007/080102 :
Int. Filing Date: 01 October 2007 :
Priority Date: 14 November 2006 : DECISION ON PETITION
Attorney Docket No.: P5213R1 US :
For: NOVEL GENE DISRUPTIONS, COMPOSITIONS AND THE METHODS RELATING THERETO :

This decision is issued in response to applicants' "Renewed Petition under 37 CFR 1.137(b) to Accept Application under 37 CFR 1.47(a)" filed 13 August 2010. Applicants' request is being treated as a petition under 37 CFR 1.47(a) to accept the application without the signature of joint-inventor, Carolina Rangel.

BACKGROUND

On 01 October 2007, applicants filed international application PCT/US2007/080102. 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, 14 May 2009.

On 29 January 2009, applicants filed a request for entry into the national stage accompanied by, *inter alia:* the requisite basic national fee; a copy of the international application; an application data sheet (ADS); and a preliminary amendment.

On 16 September 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. Furthermore, the Notification indicated that a Sequence Listing had not been filed as required by 37 CFR 1.821-1.825. The notification set a two-month time limit in which to respond.

On 08 April 2010, applicants filed a sequence listing and a petition under 37 CFR 1.47(a).

On 20 April 2010, the United Stated Designated/Elected Office mailed a Notification of Defective Response (Form PCT/DO/EO/916) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed.

On 06 May 2010, applicants submitted a declaration executed by seven of the ten joint-inventors.

On 09 June 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification of Acceptance of Application under 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495" (Form PCT/DO/EO/903) which set forth a 35 U.S.C. 371 completion date of 06 May 2010.[1]

In a decision dated 14 June 2010, applicants' petition under 37 CFR 1.47(a) dated 08 April 2010 was dismissed without prejudice.

On 13 August 2010, applicants filed the present petition under 37 CFR 1.47(a) and declaration(s) executed by the named inventors (the previous non-signing inventors) Mark Dominic Borromeo and Jamie-Jo Cunningham.

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. Items (1) and (4) were previously satisfied.

Regarding item (2) above, petitioner states that Carolina Rangel 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 inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, an affidavit or declaration of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made.
>
> The affidavit or declaration of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as certified mail return receipt, cover letter of instructions, telegrams, etc., that support a finding that the nonsigning inventor could not be found or reached should be

---

[1]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 09 June 2010 was **VACATED** in the Decision on Petition dated 14 June 2010.

> made part of the affidavit or declaration. It is important that the affidavit or declaration contain statements of fact 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.

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 Carolina Rangel. Petitioner fails to include evidence to demonstrate that the materials were actually received by the nonsigning inventors at their last known address.

Additionally, it is unclear whether the petitioner is asserting that the nonsigning inventor (Carolina Rangel) has refused to execute the application or cannot be located to execute the application. If nonsigning inventor 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 inventor. 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) above, a clear statement of the last known address of the non-signing 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.

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 nine of the ten inventors and including an unsigned signature box identifying the nonsigning inventor (Carolina Rangel). This declaration is treated as having been executed by the available inventors on their behalf and on behalf of the nonsigning inventors. Item (4) is therefore satisfied.

For the reasons stated above, it would not be appropriate to accept the application without the signature of Carolina Rangel 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 PCT Legal Administration
Tel.: 571-272-3298

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Arnold & Porter LLP (24126)
Attn: SV Docketing Dept.
1400 Page Mill Road
Palo Alto CA 94304

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PCT LEGAL ADMINISTRATION

In re Application of :
BORROMEO et al. :
U.S. Application No.: 12/375,662 :
PCT No.: PCT/US2007/080102 :
Int. Filing Date: 01 October 2007 :
Priority Date: 14 November 2006 : DECISION ON PETITION
Attorney Docket No.: P5213R1 US :
For: NOVEL GENE DISRUPTIONS, COMPOSITIONS AND THE METHODS RELATING THERETO :

This decision is issued in response to applicants' "Renewed Petition under 37 CFR 1.137(b) to Accept Application under 37 CFR 1.47(a)" filed 14 December 2010. Applicants' request is being treated as a petition under 37 CFR 1.47(a) to accept the application without the signature of joint-inventor, Carolina Rangel.

BACKGROUND

On 01 October 2007, applicants filed international application PCT/US2007/080102. 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, 14 May 2009.

On 29 January 2009, applicants filed a request for entry into the national stage accompanied by, *inter alia:* the requisite basic national fee; a copy of the international application; an application data sheet (ADS); and a preliminary amendment.

On 16 September 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. Furthermore, the Notification indicated that a Sequence Listing had not been filed as required by 37 CFR 1.821-1.825. The notification set a two-month time limit in which to respond.

On 08 April 2010, applicants filed a sequence listing and a petition under 37 CFR 1.47(a).

On 20 April 2010, the United Stated Designated/Elected Office mailed a Notification of Defective Response (Form PCT/DO/EO/916) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed.

On 06 May 2010, applicants submitted a declaration executed by seven of the ten joint-inventors.

On 09 June 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification of Acceptance of Application under 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495" (Form PCT/DO/EO/903) which set forth a 35 U.S.C. 371 completion date of 06 May 2010.[1]

In a decision dated 14 June 2010, applicants' petition under 37 CFR 1.47(a) dated 08 April 2010 was dismissed without prejudice.

On 13 August 2010, applicants filed a petition under 37 CFR 1.47(a) and declaration(s) executed by the named inventors (the previous non-signing inventors) Mark Dominic Borromeo and Jamie-Jo Cunningham. In a decision dated 21 October 2010, applicants' petition under 37 CFR 1.47(a) dated 08 April 2010 was dismissed without prejudice.

On 14 December 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. Items (1) has been previously satisfied.

Regarding item (2), applicants assert that the nonsigning inventor (Carolina Rangel) cannot be located after diligent effort. The petition includes the declaration(s) of Arlette Malhas, Vineta Tufono, and Mary Anne Donaldson, with supporting documents, describing efforts made to locate the nonsigning inventor, including numerous online searches. Further, petitioner has provided evidence that the mailing of the application was attempted but was returned to sender. These materials provide an acceptable showing that the nonsigning inventor cannot be reached or located after diligent effort. Item (2) is therefore satisfied.

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[1]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 09 June 2010 was **VACATED** in the Decision on Petition dated 14 June 2010.

Regarding item (3) above, a clear statement of the last known address of the non-signing inventor has been provided. Therefore, item (3) has been satisfied.

Regarding item (4), section 409.03(a) of the Manual of Patent Examining Procedure ("MPEP") states that:

> An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the available joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed declarations executed by nine of the ten inventors and including an unsigned signature box identifying the nonsigning inventor (Carolina Rangel). This declaration is treated as having been executed by the available inventors on their behalf and on behalf of the nonsigning inventors. Item (4) is therefore satisfied.

For the reasons stated above, it would not be appropriate to accept the application without the signature of Carolina Rangel 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 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 PCT Legal Administration
Tel.: 571-272-3298

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Carolina Rangel
810 E. 24th Street
Houston, Texas 77009

MAILED
MAR 04 2011
PCT LEGAL ADMINISTRATION

In re Application of
BORROMEO et al.
U.S. Application No.: 12/375,662
PCT No.: PCT/US2007/080102
Int. Filing Date: 01 October 2007
Priority Date: 14 November 2006
Attorney Docket No.: P5213R1 US
For: NOVEL GENE DISRUPTIONS, COMPOSITIONS AND THE METHODS RELATING THERETO

Dear Carolina Rangel:

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:
Arnold & Porter LLP (24126)
Attn: SV Docketing Dept.
1400 Page Mill Road
Palo Alto CA 94304

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ATTN: SV DOCKETING DEPT.
1400 PAGE MILL ROAD
PALO ALTO, CA 94304

MAILED
NOV 02 2010
PCT LEGAL ADMINISTRATION

In re Application of CUNNINGHAM et al :
U.S. Application No.: 12/375,668 :
PCT Application No.: PCT/US2008/051697 :
Int. Filing Date: 22 January 2008 :
Priority Date Claimed: 23 January 2007 : DECISION
Attorney Docket No.: GNE-0338 (24126.561) :
For: NOVEL GENE DISRUPTIONS, :
COMPOSITIONS AND METHODS :
RELATING THERETO :

This is in response to applicant's petition under 37 CFR 1.47(a) filed 15 April 2010. The petition makes reference to a decision on petition under 37 CFR 1.137(b) mailed on 18 September 2009. However, a review of the application file failed to uncover such a petition or decision. Applicant is requested to clarify the reference to 37 CFR 1.137(b).

BACKGROUND

On 22 January 2008, applicant filed international application PCT/US2008/051697, which claimed priority of an earlier United States application filed 23 January 2007. The thirty-month period for paying the basic national fee in the United States expired on 23 July 2009.

On 29 January 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 18 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 15 April 2010, applicant filed the present petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2) factual proof that the missing joint inventors refuse to join in the application or cannot be reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

With regard to item (1) above, applicant has submitted a declaration signed by the available inventor on his own behalf and on behalf of the nonsigning inventor.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. . . . It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).
>
> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

The petition states that joint inventor Jamie-Jo Cunningham refuses to sign the application papers. However, the petition does not adequately demonstrate that a bona fide attempt was made to present a complete copy of the application papers (including specification,

claims, drawings, and oath/declaration) to inventor Cunningham for signature and that Cunningham actually received such papers. In particular, the affidavit of Rossetti Saena states that the declaration was sent to Cunningham, but there is no indication that the specification, claims, and drawings were included in the correspondence. Furthermore, Cunningham's receipt of the papers has not been sufficiently established. Although the FedEx tracking report shows that the correspondence was delivered to the address of record, there is no indication (e.g. Cunningham's signature) that Cunningham still resides at the last known address. Accordingly, it would not be reasonable to conclude at the present time that Cunningham refuses to join in the application.

With regard to item (3) above, applicant has provided the requisite petition fee.

With regard to item (4) above, the petition fails to state the last known address of the nonsigning inventor.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.47(a) 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. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed 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.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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): 12375773	Patent Number (if applicable):
First Named Inventor: NORIKO YOSHIDA	Title of Invention: CATALYST FOR REMOVAL OF NITROGEN OXIDE AND METHOD FOR REMOVAL OF NITROGEN OXIDE

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 /Shrinath Malur/	Date May 20, 2011
Name (Print/Typed) Shrinath Malur	Practitioner Registration Number 34,663

***Note**: Signatures of all the inventors, § 1.41(b) applicants, or assignees of record of the entire interest or their representative(s), or reexamination requesters at the appeal stage are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.*

☐ *Total of 1 forms are submitted.

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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Alexandria, VA 22313-1450
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MATTINGLY & MALUR, PC
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA VA 22314

MAILED

MAY 24 2011

OFFICE OF PETITIONS

In re Application of	:	
Yoshida et al.	:	
Application No. 12/375,773	:	DECISION ON PETITION
Filed: February 24, 2009	:	
Attorney Docket No. POL-6936	:	

This is a decision on the request filed May 20, 2011, seeking relief under the provisions of "Relief Available to Patent and Trademark Applicants, Patentees and Trademark Owners Affected by the Catastrophic Events of March 11, 2011 in Japan," 1365 Off. Gaz. Pat. Office 170 (April 19, 2011).

The request for relief is **GRANTED**.

In the above-identified application, an Office action was mailed on December 13, 2010. The instant petition was filed prior to the expiration of the period for reply and the certifications for granting of relief are considered to be met by the submission of the request.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7751. 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 1734 for re-mailing the Office action of December 13, 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
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SWANSON & BRATSCHUN, L.L.C.
8210 SOUTHPARK TERRACE
LITTLETON, CO 80120

MAILED
APR 01 2011
OFFICE OF PETITIONS

Applicant: Bailey, et al.
Appl. No.: 12/375,816
International Filing Date: September 20, 2007
Title: DETECTION OF CHROMOSOMAL INVERSIONS
Attorney Docket No.: KTID.01USU1
Pub. No.: 2010/0062434 A1
Pub. Date: March 11, 2010

This is a decision on the request for correction of patent application publication under 37 CFR 1.221(b), received on July 30, 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 assignee and the Related U.S. Application 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 request for corrected publication, received on July 30, 2010, was not timely filed under 37 CFR 1.221(b).

Furthermore, the error wherein the benefit claim information was printed incorrectly on the front page of the publication maybe an Office mistake, but it is not a material mistake as required by 37 CFR 1.221(b). The correct benefit information is printed on the first page of the specification, as required by 37 CFR 1.78. With respect to the error on the front page of the published patent application wherein the assignee's name "Colorado State University Research Foundation and The Board of Regents of the University of Texas System" is incorrectly listed as "Colorado State university Research Foundation" is not a material Office error under 37 CFR

[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).

1.221(b). The misprinting of the assignee's name and the benefit claim information do 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.

On November 27, 2009, a Filing Receipt was mailed by the Office, which only listed one assignee's name and incorrectly listed the benefit claim information. 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

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 Michael Cygan, Legal Advisor, at (571) 272-7700, or to the undersigned 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.
12/375,832	01/30/2009	Guy Moreillon	3829-058 NATL	1339

24510 7590 02/13/2012
DLA PIPER LLP (US)
ATTN: PATENT GROUP
P.O. Box 2758
Reston, VA 20195

EXAMINER
NAIR, SOWMINI

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
02/13/2012	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
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P.O. Box 1450
Alexandria, VA 22313-1450
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DLA PIPER LLP (US)
ATTN: PATENT GROUP
P.O. Box 2758
Reston VA 20195

MAIL

FEB 13 2012

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

DECISION
ON PETITION

In re Application of:
MOREILLON, GUY
Application Serial No.: 12/375,832
Filed: January 30, 2009
For: **METHOD OF LOCAL CONDITIONAL ACCESS FOR MOBILE EQUIPMENT**

This is a decision on the petition requesting the arguments set forth in their previous response be considered and responded to in a new Action, filed December 14, 2011, pursuant to 37 CFR § 1.181.

Petitioner alleges that applicants previously submitted amendment does not raise new issues. Therefore, applicants request arguments set forth in their previous response be considered and responded to in a new action.

PERTINENT BACKGROUND INFORMATION

A final Office action was mailed on August 18, 2011 rejecting claims 1-20.

Applicant filed an amendment after final and request for reconsideration on November 18, 2011 wherein claims 1 and 16 were amended. Clams 2-15 and 17-20 were unchanged.

On December 08, 2011, the Examiner issued an Advisory action indicating the amendment would not be entered because it raised new issues requiring further consideration and/or search.

On December 14, 2011, a petition was filed requesting the examiner to consider the arguments set forth in their previous response and respond accordingly.

On January 18, 2011 a notice of appeal and pre-brief appeal conference was filed.

On January 27, 2012 a pre-brief appeal conference decision to reopen prosecution was mailed.

DECISION

The issue of whether or not the examiner should consider and respond to the amendment filed November 18, 2011became moot with the decision to reopen prosecution after a pre-appeal conference request.

For the reasons set forth above, the petition to consider and respond to the previously submitted amendment is **DISMISSED AS MOOT**.

The application has been forwarded to the examiner for appropriate action responsive to the Pre-Appeal Brief review Decision mailed January 27, 2012.

Any inquiry regarding this decision should be directed to Michael Horabik, Quality Assurance Specialist, at (571) 272-3068.

/Michael Horabik/

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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BRINKS HOFER GILSON & LOINE/ANN ARBOR
524 SOUTH MAIN STREET
SUITE 200
ANN ARBOR, MI 48104

MAILED
OCT 05 2010
OFFICE OF PETITIONS

Applicant: Gunter Streng
Appl. No.: 12/375,834
International Filing Date: August 1, 2007
Title: FAN BLADE
Attorney Docket: 11864-023
Pub. No.: US 2009/0324413 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.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors in Claims 1 and claim 4.

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 requester with respect to claim 1, wherein "comprising" should be inserted after "blade", "embodied" deleted after "part is", and in claim 5 "(4" deleted after "tion", maybe Office errors but they are not material Office errors under 37 CFR 1.221. They do not affect the understanding of the application. The error does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

A 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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AUG 12 2011

PCT LEGAL ADMINISTRATION

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re Application of OCHIAI et al.	
Application No.: 12/375,843	DECISION ON
PCT No.: PCT/JP07/65310	
Int. Filing Date: 30 July 2007	REQUEST FOR
Priority Date: 31 July 2006	
Attorney Docket No.: Q111581	CORRECTED FILING
For: METHOD FOR SCREENING FOR VITAMIN D	
RECEPTOR LIGAND	RECEIPT

This is in response to applicant's Request for Corrected Filing Receipt filed on 13 August 2010 and 08 July 2011 in the United States Patent and Trademark Office (USPTO).

On 30 January 2009, applicant filed a request for U.S. national stage entry of international application PCT/JP07/065310, filed on 30 July 2007 and which claimed a priority date of 31 July 2007. The thirty month deadline for entering the national stage expired at midnight on 31 January 2009.

On 15 July 2009, a Notification of Missing Requirements was mailed to applicant indicating, *inter alia*, that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) was required. On 29 July 2009, applicant filed a reply to the Notification including a declaration in compliance with 37 CFR 1.497(a) and (b). Applicant authorized from his deposit account payment of all required fees which included the surcharge for filing the declaration after the thirty month period.

The Notice of Acceptance mailed on 09 December 2009 incorrectly indicates the 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date and the date of completion of the 35 U.S.C. 371 requirements as 15 June 2009. The Notice is hereby **VACATED**. The correct date is 29 July 2009. Applicant's request for a corrected filing receipt is **GRANTED**.

This application is being forwarded to the United States Designated/Elected Office for further processing, including issuance of a new Notice of Acceptance indicating a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date and the date of completion of the 35 U.S.C. 371 requirements as **29 July 2010.**

/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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United States Patent and Trademark Office
P.O. Box 1450
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In re Application of
Stuart A. Solin

Application No. 12375861

Filed: May 28,2009

Attorney Docket No. 53047-81098

:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 24-MAR-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Doc code : PET.OP.AGE
Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	12375861	Confirmation Number	1526	Filing Date	2009-05-28
Attorney Docket Number (optional)	53047-81098	Art Unit	3769	Examiner	TBD
First Named Inventor	Stuart A. Solin				
Title of Invention	Multifunctional Nanoscopy for Imaging Cells				

Attention: Office of Petitions
An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).

APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.

A grantable petition requires one of the following items:
(1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or
(2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.

Name of Inventor who is 65 years of age, or older

Given Name	Middle Name	Family Name	Suffix
Stuart	A.	Solin	

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18.
Please see 37 CFR 1.4(d) for the format of the signature.

Select (1) or (2) :

○ (1) I am an inventor in this application and I am 65 years of age, or more.

◉ (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.

Signature	/Benjamin L. Volk, Jr./	Date (YYYY-MM-DD)	2011-03-24
Name	Benjamin L. Volk, Jr.	Registration Number	48017

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Fr eedom of Information Act requires disclosure of these records.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about indivi duals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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MORRISON & FOERSTER LLP
755 PAGE MILL RD
PALO ALTO, CA 94304-1018

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FEB 17 2011

OFFICE OF PETITIONS

In re Application of Milijasevic et al. Application No. 12/375,867 Filed: January 7, 2010 Attorney Docket No. 3485-P10387US	: : : : :	DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 14, 2011.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that on February 10, 2011 the power of attorney to Morrison & Foerster LLP was revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272- 7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: TRASKBRITT, P.C.
P.O. BOX 2550
SALT LAKE CITY UT 84110

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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.
12/375,877	01/30/2009	Kotaro Takita	Q111945	1591

23373 7590 07/19/2011
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER
THROWER, LARRY W

ART UNIT	PAPER NUMBER
1742	

NOTIFICATION DATE	DELIVERY MODE
07/19/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

sughrue@sughrue.com
PPROCESSING@SUGHRUE.COM
USPTO@SUGHRUE.COM

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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wk

JUL 19 2011

Mailed:
In re application of :
Takita et al. : DECISION ON
Serial No. 12/375,877 : PETITION
Filed: January 30, 2009 :
For: **POLYOLEFIN COMPOSITION, ITS PRODUCTION METHOD, AND A BATTERY SEPARATOR MADE THEREFROM**

This is a response to Applicants Petition filed on June 3, 2011 under 37 C.F.R. 1.182. The petition has been forwarded to Technology Center 1700 from the petitions area for consideration and will be evaluated under 37 CFR 1.181.

Petitioner requests withdrawal of the Advisory Action dated May 31, 2011; entry of the Declarations under 37 C.F.R. 1.132 filed on November 16, 2010 and March 22, 2011 and that the Declaration signed by only one inventor be found to be sufficient to establish that the disclosure relied upon by the Examiner in a reference is by the same inventive entity as the present application. Petitioner further requests that the statutory six month date be extended from the date of the Final Office Action.

The application has two inventors. The Declaration filed on November 19, 2010 was only executed by Mr. Kikuchi because Mr. Takita is deceased. Mrs. Takita on March 22, 2011 executed a Rule 132 Declaration, along with a Supplemental Declaration and Power of Attorney, in order to make Mr. Takita's death of record and to establish Mrs. Takita as the heir and legal representative of Mr. Takita's estate.

DECISION

The Petition is **GRANTED-IN-PART**.

The Advisory Action dated May 31, 2011 is not withdrawn. The statutory six month response date from the Final Office Action cannot be extended

Serial Number: 12/375,877

The Examiner is directed to enter the Declarations filed November 16, 2010 and March 22, 2011 and to consider them in view of the art rejection of record. The signature requirement requiring that the Declaration be executed by the joint inventors is waived.

/W. GARY JONES/
Director, Technology Center 1700
Chemical and Materials Engineering

Debodhonyaa Sengupta, Ph.D.
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
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Dallas, TX 75201-4761

MAILED

JUN 03 2011

PCT LEGAL ADMINISTRATION

In re Application of
MONDET *et al*
U.S. Application No.: 12/375,895
PCT No.: PCT/EP2007/057898
Int. Filing Date: 31 July 2007
Priority Date: 01 August 2006
Attorney Docket No.: 361170-1122
For: EFFECTING SELECTIVITY OF SILICON OR SILICON-GERMANIUM DEPOSIT ON A SILICON OR SILICON-GERMANIUM SUBSTRATE BY DOPING

DECISION

This decision is in response to applicants' petition under 37 CFR 1.47(a) filed in the United States Designated/Elected Office (DO/EO/US) on 11 January 2010.

BACKGROUND

On 18 September 2009, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed requesting an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a $130.00 surcharge fee. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 11 January 2010, applicants filed the subject petition which was accompanied by, *inter alia*, a two-month extension and $490.00 extension fee; a $130.00 surcharge fee; a declaration signed on behalf of the nonsigning inventor; a $200.00 petition fee; a statement of facts by Caroline Maranini; and a copy of a postal receipt in a foreign language.

On 05 October 2010, the DO/EO/US mailed a Notification of Acceptance of Application Under 35 U.S.C. 371 and 1.495 (Form PCT/DO/EO/903) and filing receipt indicating that the date of receipt of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements and date of completion of all 35 U.S.C. 371 requirements are 11 January 2010.

On 05 April 2011, applicants filed a request for status on the petition under 37 CFR 1.47(a) filed 11 January 2011.

DISCUSSION

Applicants claim that co-inventor, Thomas KORMAN, could not be reached 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 refuse to cooperate; (3) a statement of the last known address of the nonsigning joint inventor; (4) and an oath or declaration executed by the signing joint inventors on their behalf and on behalf of the nonsigning joint inventor.

Items (1), (3) and (4) of 37 CFR 1.47(a)[1] are satisfied in the initial petition.

Regarding item (2) of 37 CFR 1.47(a), applicants claim that Thomas KORMAN could not be located. Applicants' burden in showing that an inventor cannot be located is explained in section 409.03(d)(I) of the MPEP which states, in relevant part:

> Where inability to find or reach a nonsigning inventor 'after diligent effort' is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made.
>
> The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts. It is important that the statement contain facts as opposed to conclusions.

Applicants provided a statement of facts by Ms. Maranini describing her efforts to obtain the signature of co-inventor, Thomas KORMAN. A review of this statement shows that applicants sent an email to the nonsigning inventor on (or about) 23 September 2009 requesting execution of a declaration and assignment. A copy of this email was <u>not</u> provided. Ms. Maranini states that she then sent a complete copy of the subject application to the last known address of the nonsigning inventor using certified mail on (or about) 24 September 2009. These documents were returned as

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[1] Applicant submitted a $200.00 petition fee. The last known address of the nonsigning inventor is listed in the petition. A declaration signed by two of the three named inventors was provided. This declaration complies with 37 CFR 1.497(a) and (b).

undeliverable. Applicants did not provide a copy of the cover letter with the subject petition. Applicants submitted a copy of the purported postal receipt. Ms. Maranini states that she then conducted several internet searches in an attempt to locate Mr. KORMAN, to no avail. Applicants did not include any documentary evidence of these searches with the subject petition. Ms. Maranini requested help from co-inventor, Mr. MULLER, in locating Mr. KORMAN. Ms. Maranini states that she was informed that no contact information or forwarding address was known.

This evidence is insufficient to satisfy item (2) of 37 CFR 1.47(a).

Applicants must provide more detail on what type of internet search was performed to locate the nonsigning inventor. Such information should include what directory was searched, and what the search parameters were. Documentary evidence of these searches should be submitted in any renewed petition. Applicants also need to provide copies of all relevant documents in any renewed petition. The relevant documents would include a copy of the email sent on or about 23 September 2009 and a copy of the cover letter sent to the last known address of the nonsigning inventor. It is also noted that the postal receipt submitted as evidence in the petition is in a foreign language without an accompanying English translation. Applicants must provide an English translation of this document to be considered.

For these reasons, item (2) of 37 CFR 1.47(a) is not yet complete.

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.

The Form PCT/DO/EO/903 and filing receipt mailed 05 October 2010 were sent in error, and are hereby **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.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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Dallas, TX 75201-4761

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JUL 19 2011

PCT LEGAL ADMINISTRATION

In re Application of
MONDET *et al*
U.S. Application No.: 12/375,895
PCT No.: PCT/EP2007/057898
Int. Filing Date: 31 July 2007
Priority Date: 01 August 2006
Attorney Docket No.: 361170-1122
For: EFFECTING SELECTIVITY OF SILICON OR SILICON-GERMANIUM DEPOSIT ON A SILICON OR SILICON-GERMANIUM SUBSTRATE BY DOPING

DECISION

This decision is in response to applicants' renewed petition under 37 CFR 1.47(a) filed 15 June 2011.

BACKGROUND

On 03 June 2011, a decision dismissing applicants' petition under 37 CFR 1.47(a) was mailed. Applicants were given two months to respond with extensions of time available.

On 15 June 2011, applicants filed the subject response.

DISCUSSION

In the renewed petition, applicants submitted a complete copy of each of the declarations filed in the international application pursuant to PCT Rule 4.17(iv). This declaration was executed by all three named inventors including Thomas KORMAN.

This declaration is in compliance with 37 CFR 1.497(a) & (b) and is sufficient for entry into the national stage under 35 U.S.C. 371. No further action on the petition under 37 CFR 1.47(a) is required.

CONCLUSION

Applicants' 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 31 July 2007, under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 30 January 2009.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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12412 POWERSCOURT DR. SUITE 200
ST. LOUIS, MO 63131-3615

MAILED
NOV 17 2010
PCT LEGAL ADMINISTRATION

In re Application of BELLISTRI et al :
U.S. Application No.: 12/375,898 :
PCT Application No.: PCT/US2007/074982 :
Int. Filing Date: 01 August 2007 : DECISION
Priority Date Claimed: 01 August 2006 :
Attorney Docket No.: PCRC 9664W1 :
For: SMALL ENGINE OPERATION :
COMPONENTS :

This is in response to applicant's second renewed request for refund filed on 09 August 2010.

BACKGROUND

On 01 August 2007, applicant filed international application PCT/US2007/074982, which claimed priority of an earlier United States application filed 01 August 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 07 February 2008. The thirty-month period for paying the basic national fee in the United States expired on 02 February 2009.

On 30 January 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), authorization to charge any additional required fees, and a preliminary amendment.

On 11 March 2010, applicant filed a request for refund.

On 16 April 2010, the USPTO mailed a decision dismissing the 11 March 2010 request for refund.

On 03 May 2010, applicant filed a renewed request for refund.

On 12 July 2010, this Office mailed a decision dismissing the 03 May 2010 request for refund.

On 09 August 2010, applicant filed the instant second renewed request for refund.

DISCUSSION

Applicant requests a refund of excess claims fees on grounds that the preliminary amendment filed on 30 January 2009 reduced the number of claims.

MPEP 1893.01(c) states in relevant part,

> A preliminary amendment accompanying the initial national stage submission under 35 U.S.C. 371 that is effective to cancel claims and/or eliminates 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.)

The present renewed request for refund states that the preliminary amendment filed on 30 January 2009 was effective to cancel 129 claims and enter sixteen new claims as evidenced by the published application which contains sixteen claims. However, application papers are not reviewed for all possible formalities prior to publication. Rather, publication generally occurs as long as the application contains certain basic content and the papers are of sufficient quality to create the publication. See MPEP 1120. The Office's selection of a non-compliant claim set for publication does not make the claim set compliant. Because the proposed substitute claim set was not in compliance with 37 CFR 1.121(c), the claim set was not effective to reduce the number of claims.

The renewed request for refund further states that applicant should have been afforded an opportunity to submit a corrected preliminary amendment and that the submission of such a correction would have the same effective date as the original defective preliminary amendment. However, there is no basis for applicant's assertion that a preliminary amendment which is filed on a date later than the initial national stage submission nevertheless accompanies the initial national stage submission. Even assuming *arguendo* that applicant was entitled to an opportunity to file a corrected preliminary amendment, the date of receipt of such subsequently filed corrected preliminary amendment would be the filing date of the amendment. The filing date of a paper in the Office is not controlled by any notice of non-compliance from the Office. Since a proper preliminary amendment to the claims did not accompany the initial national stage submission, applicant is not entitled to a refund of paid claims fees in accordance with MPEP 1893.01(c).

CONCLUSION

For the reasons above, the renewed request for refund is DISMISSED without prejudice.

If reconsideration on the merits of the request is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. 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
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/375,943	02/02/2009	Toshio FUWA	10672.0004-00000	2827

22852 7590 05/12/2011
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER
ENGLISH, JAMES A

ART UNIT	PAPER NUMBER
3616	

MAIL DATE	DELIVERY MODE
05/12/2011	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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Commissioner for Patents
United States Patent and Trademark Office
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MAY 12 2011

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

In re application of	:	**DECISION ON REQUEST TO**
Toshio Fuwa	:	**PARTICIPATE IN PATENT**
Application No. 12/375,943	:	**PROSECUTION HIGHWAY**
Filed: February 02, 2009	:	**PROGRAM AND PETITION**
For: INVERTED WHEEL TYPE MOVING	:	**TO MAKE SPECIAL UNDER**
BODY AND METHOD OF	:	**37 CFR 1.102(a)**
CONTROLLING THE SAME		

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 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 applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest Office action from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO Office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the preliminary amendment filed February 02, 2009 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: 05/11/11

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

NOVARTIS INSTITUTES FOR BIOMEDICAL RESEARCH, INC.
220 MASSACHUSETTS AVENUE
CAMBRIDGE MA 02139

MAILED

NOV 24 2010

PCT LEGAL ADMINISTRATION

In re Application of :
CHEN, et al. :
Serial No.: 12/376,057 :
PCT No.: PCT/US2007/074790 : DECISION ON PETITION
Int. Filing Date: 31 July 2007 :
Priority Date: 02 August 2006 : UNDER 37 CFR 1.47(a)
Atty Docket No.: 50295-US-PCT :
For: ORGANIC COMPOUNDS :

This decision is in response to applicant's renewed petition under 37 CFR 1.47(a) filed 26 October 2010 in the United States Patent and Trademark Office (USPTO) to accept the application without the signature of joint inventor Mark Charest.

BACKGROUND

On 25 May 2010, applicant was mailed a decision dismissing applicant's petitions under 37 CFR1.183 and 37 CFR 1.47(a). 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 26 October 2010, applicant filed the present petition under 37 CFR 1.183 accompanied by a petition for a four-month extension of time. With payment of the four-month extension of time fee, applicant's present response is considered timely filed.

DISCUSSION

As detailed in the decision mailed 25 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 3.

With the filing of the renewed petition and accompanying exhibits applicant has satisfied the remaining items and 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 31 July 2007 under 35 U.S.C. 363, and will be given a date of **26 October 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. Mark Charest
58 Regent Street
Cambridge, MA 02140-2112

MAILED
NOV 24 2010
PCT LEGAL ADMINISTRATION

In re Application of
CHEN, et al.
Serial No.: 12/376,057
PCT No.: PCT/US2007/074790
Int. Filing Date: 31 July 2007
Priority Date: 02 August 2006
Atty Docket No.: 50295-US-PCT
For: ORGANIC COMPOUNDS

Dear Mr. Charest:

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:
Novartis Institutes for Biomedical Research, INC.
220 Massachusetts Avenue
Cambridge, MA 02139

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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Decision Date : January 30, 2012

In re Application of :

Keigo Higaki

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12376127

Filed : 03-Feb-2009

Attorney Docket No : 336091US0PCT

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed January 30, 2012 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 1765 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	12376127
Filing Date	03-Feb-2009
First Named Inventor	Keigo Higaki
Art Unit	1765
Examiner Name	JEFFREY MULLIS
Attorney Docket Number	336091US0PCT
Title	THERMOPLASTIC RESIN COMPOSITION AND MOLDED ARTICLE

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	/Jay E. Rowe/
Name	Jay E. Rowe, Jr.
Registration Number	58948

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ALEXANDRIA, VA 22313-1450
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10 AUG 2010

Dority & Manning, P.A.
P.O. Box 1449
Greenville, SC 29602-1449

In re Application of	DECISION ON
MERKL Christoph	
Application No: 12/376,231	
PCT No.: PCT/IB2007/053077	
Int. Filing Date: 3 August 2007	REQUEST FOR REFUND
Priority Date: 4 August 2006	
Attorney's Docket No.: AGXG-76-PCT-US	
For: METHOD AND APPARATUS FOR	
DETERMINING MEASUREMENT VALUES	UNDER 37 CFR 1.26

This Decision is in response to applicant's "SECOND RENEWED PETITION UNDER 37 C.F.R. 1.26" filed on 11 June 2010 requesting a refund of the $8,346.00 for claims fee paid upon filing the above identified application.

BACKGROUND

In a decision from this Office on 16 April 2010, the petition for refund filed on 08 February 2010 was dismissed. The decision stated that the number of claims at the time of filing was 190 for a cost of $8,840.00. As a result, the USPTO properly charged applicant for the correct number of claims at the time of filing and was not entitled to a refund.

On 11 June 2010, applicant filed a " Second Renewed Request for Refund."

DISCUSSION

Petitioner alleges that the Director may refund any fee paid in "excess of that required" and that the "claim fee was not required in order for applicant to receive a filing date and therefore it was clearly in excess of that required."

The arguments are unpersuasive as analyzed in the previous decisions. Petitioner did not paid in "excess of that is required" rather petitioner paid for the correct number of claims at the time of filing. If petitioner wanted to limit the fees only for the requirement of a filing date as alleged now then petitioner must had specifically limited the authorization to such a request at the time of filing. The filing, however, did not limit the fees only to receive a filing date, and that additional fees were supposed to be requested in the Notification of Missing Parts. On the contrary, petitioner authorized charges to the Basic National fee, Examination fee, Search fee, claims (which includes excess claims) and any additional fees which may be required as stipulated in the transmittal letter filed on 03 February 2009.

It is noted that the excess claims fees as the basic filing, search and examination fees are due on the filing the application, as indicated by 35 U.S.C. 41(a)(2) the relevant part cited below:

> (a)GENERAL FEES. — The Director shall charge the following fees:
> (2)EXCESS CLAIMS FEES. — In addition to the fee specified in paragraph (1) —
> (A)on filing or on presentation at any other time, $200 for each claim in independent form in excess of 3;
> (B)on filing or on presentation at any other time, $50 for each claim (whether dependent or independent) in excess of 20; and
> (C)for each application containing a multiple dependent claim, $360.

Applicant's broad language authorization "to charge any additional fee which may be required," to Deposit Account No. 04-1403, and applicant's preliminary amendment that removed multiple dependent claims, but left claim 24 unamended at such time resulted in the fees charged by the USPTO. Consequently, the USPTO properly and correctly charged 190 claims, as well as the basic national fee, examination fee and search fee, which were required at the time of filing the application.

As stated previously, MPEP §1893.01(c) is clear on this point, the relevant part quoted below:

> 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.

Moreover, petitioner subsequent amendment on 30 September 2009 further eliminating multiple dependent claims does entitle petitioner for a refund on the number of claims paid at the time of filing the application. Accordingly, under 37 CRF 1.26 applicants are not entitled to a refund of $8,346.00 as applicant did not paid in "excess of that required."

CONCLUSION

For reasons above, the request is **REFUSED**.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Rafael Bacares
PCT Legal Examiner
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PCT LEGAL ADMINISTRATION

Dority & Manning, P.A.
P.O. Box 1449
Greenville, SC 29602-1449

In re Application of
MERKL Christoph
Application No: 12/376,231
PCT No.: PCT/IB2007/053077
Int. Filing Date: 3 August 2007
Priority Date: 4 August 2006
Attorney's Docket No.: AGXG-76-PCT-US
For: METHOD AND APPARATUS FOR DETERMINING MEASUREMENT VALUES

DECISION ON PETITION UNDER 37 CFR 1.181

This decision is in response to applicant's "PETITION TO THE DIRECTOR UNDER 37 C.F.R. 1.181" filed on 08 October 2010 seeking supervisory review of the decision mailed 10 August 2010 refusing applicant's request for a refund of $8,346 in excess claims fees.

BACKGROUND

On 03 February 2009, applicant filed a submission to enter the U.S. national phase for international application no. PCT/IB2007/053077. The submission included, *inter alia*, a preliminary amendment to the claims and a transmittal letter (PTO-1390) containing a deposit account authorization to charge "any additional fees which may be required." The preliminary amendment, which maintained the presence of an original multiple dependent claim (claim 24), resulted in, for claims fees purposes, 190 claims being present in the application. Consequently, the deposit account specified in the transmittal letter was charged $8,346 in excess claims fees.

On 30 September 2009, applicant filed an amendment to eliminate the multiple dependencies from claim 24 and a request for refund of the previously charged excess claims fees. The refund request was refused in a decision mailed 08 December 2009. A renewed request for refund was filed 08 February 2010 and again refused in a decision mailed 16 April 2010. A third request for a refund was filed 11 June 2010 and refused in a decision mailed 10 August 2010.

On 08 October 2010, applicant filed the present petition seeking supervisory review of the 10 August 2010 decision.

DISCUSSION

Petitioner asserts that, pursuant to 37 CFR 1.26, the Director may refund any fee paid in "excess of that required" and that applicant should be refunded $8,346 in excess claims fees because such fees did not have to be paid at the time of filing the national stage submission to receive a filing date or to avoid abandonment.

Petitioner's argument is unpersuasive. The requirement to pay excess claims fees is imposed by statute and does not turn on whether such fees are necessary to receive a filing date or to avoid abandonment. See 35 U.S.C. 41(a)(2)(A), which provides that the Director "**shall charge**" "**on filing or on presentation at any other time**" the specified statutory fee for each claim in excess of 20. Thus, in the present case, excess claims fees were required when excess claims were presented in the preliminary amendment filed with the initial national stage submission. This is consistent with Office policy set forth in MPEP § 607, which states in pertinent part:

> *Upon submission of an amendment (whether entered or not) affecting the claims, payment of fees for those claims in excess of the number previously paid for is required.*

See also MPEP §1893.01(c), which provides:

> *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.*

Accordingly, the excess claims fees paid by applicant were not in "excess of that is required" on the date the initial national stage submission was filed, and the subsequently filed amendment eliminating multiple dependent claims did not entitle applicant to a refund of fees previously paid.

CONCLUSION

For reasons above, the petition under 37 CFR 1.181 is **DENIED**[1]. No further consideration of this matter will undertaken by the Office.

Any inquiries concerning this decision may be directed to Rafael Bacares at (571) 272-3276.

Charles Pearson
Director
Office of PCT Legal Administration

[1] This decision may be viewed as a final agency action within the meaning of 5 U.S.C. §704 for purposes of seeking judicial review. *See*, MPEP 1002.02

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PO BOX 747
FALLS CHURCH VA 22040-0747

MAILED
MAR 13 2012
OFFICE OF PETITIONS

In re Application of Anglada et al. Application No. 12/376,250 Filed: June 9, 2009 Attorney Docket No. 2294-0120PUS2 Title: PYRAZOLO[1,5-A]PYRIMIDINES, PROCESSES, USES AND COMPOSITIONS	DECISION ON APPLICATION FOR PATENT TERM ADJUSTMENT

This is a decision on the "REQUEST FOR RECONSIDERTIAON OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)," filed February 27, 2012. Applicants request that the patent term adjustment indicated on the Notice of Allowance and Issue Fee Due be corrected from one hundred and ninety-one (191) days to one hundred and eighty-three (183) days.

The request for reconsideration of the patent term adjustment is **GRANTED**.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is **one hundred and eighty-three (183)** days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

Applicants state that any patent issuing from the application is not subject to a terminal disclaimer.[1]

The Office agrees that a reduction of eight days pursuant to 37 C.F.R. § 1.704(b) is warranted.

[1] Petition, page 3.

In view thereof, the correct patent term adjustment at the time of the mailing of the notice of allowance is one hundred and eighty-three (183) days (234 days of Office delay minus 51 days of Applicant delay).

Submission of the $200.00 fee set forth in 37 CFR 1.18(e) is acknowledged. No additional fee is required.

Applicants are reminded that any delays by the Office pursuant to 37 CFR 1.702(a)(4) and 1.702(b) and any applicant delays under 37 CFR 1.704(c)(10) will be calculated at the time of the issuance of the patent and applicants will be notified of the revised patent term adjustment to be indicated on the patent in the Issue Notification letter that is mailed to applicants approximately three weeks prior to issuance.

The Office of Data Management has been advised of this decision. This matter is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries regarding this matter should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.

Paul Shanoski
Senior Attorney
Office of Petitions

Enclosure: Copy of updated PAIR screen

Patent Term Adjustments

PTA/PTE Information | Patent Term Adjustment | Patent Term Extension

Application Number*: 12376250 Search | Explanation of PTA Calculation | Explanation of PTE Calculation

PTA Calculations for Application: 12376250

Application Filing Date	06/09/2009	OverLapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays:	234
A Delays	234	PTO Manual Adjustment	-8
B Delays	0	Applicant Delay (APPL)	43
C Delays	0	Total PTA (days)	183

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
73	03/11/2012		P028	Adjustment of PTA Calculation by PTO		8	0
64	11/28/2011		MN/=.	Mail Notice of Allowance			0
63	11/22/2011		OAR	Office Action Review			0
62	11/22/2011		IREV	Issue Revision Completed			0
61	11/22/2011		DVER	Document Verification			0
60	11/22/2011		N/=.	Notice of Allowance Data Verification Completed			0
59	11/18/2011		CNTA	Allowability Notice			0
58	11/14/2011		FWDX	Date Forwarded to Examiner			0
57	11/10/2011	09/28/2011	A.NE	Amendment after Final Rejection		43	44
56	10/24/2011		EML_NTR	Email Notification			0
55	10/24/2011		MCTAV	Mail Advisory Action (PTOL - 303)			0
54	10/18/2011		OAR	Office Action Review			0
53	10/18/2011		CTAV	Advisory Action (PTOL-303)			0
52	10/11/2011		OAR	Office Action Review			0
49	10/01/2011		FWDX	Date Forwarded to Examiner			0
51	09/28/2011		IDSC	Information Disclosure Statement considered			0
50	09/28/2011		M844	Information Disclosure Statement (IDS) Filed			0
48	09/28/2011		A.NE	Amendment after Final Rejection			0
47	09/28/2011		WIDS	Information Disclosure Statement (IDS) Filed			0
46	06/28/2011		ELC_RVW	Electronic Review			0
45	06/28/2011		EML_NTF	Email Notification			0
44	06/28/2011		MCTFR	Mail Final Rejection (PTOL - 326)			0
43	06/22/2011		OAR	Office Action Review			0
42	06/20/2011		CTFR	Final Rejection			0
41	06/13/2011		FWDX	Date Forwarded to Examiner			0
40	06/07/2011		A...	Response after Non-Final Action			0
32	05/11/2011		MCTNF	Mail Non-Final Rejection			0
31	05/09/2011		OAR	Office Action Review			0
39	05/05/2011		A.PE	Preliminary Amendment			0
30	05/05/2011		CTNF	Non-Final Rejection			0
26	04/29/2011		FWDX	Date Forwarded to Examiner			0
25	04/27/2011		ELC.	Response to Election / Restriction Filed			0
24	03/31/2011		ELC_RVW	Electronic Review			0
23	03/31/2011		EML_NTF	Email Notification			0
21	03/31/2011	08/09/2010	MCTRS	Mail Restriction Requirement	234		8
20	03/28/2011		OAR	Office Action Review			0
19	03/25/2011		CTRS	Restriction/Election Requirement			0
18	10/23/2009		EML_NTR	Email Notification			0
17	10/22/2009		PG-ISSUE	PG-Pub Issue Notification			0
16	09/10/2009		DOCK	Case Docketed to Examiner in GAU			0
11	07/27/2009		OIPE	Application Dispatched from OIPE			0
10	07/13/2009		EML_NTR	Email Notification			0
9	07/13/2009		EML_NTR	Email Notification			0
6	07/13/2009		FLRCPT.O	Filing Receipt			0
5	07/13/2009		M903	Notice of DO/EO Acceptance Mailed			0
7	07/10/2009		PGPC	Sent to Classification Contractor			0
8	06/09/2009		371COMP	371 Completion Date			0
0.5	08/02/2007		NEFILE	International Filing date			0

Export to: Excel

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/376,269	03/22/2010	Richard B. Pickering	5001	5149

82318 7590 10/18/2011
Brian R. Galvin
P.O. BOX 2360
SILVERDALE, WA 98383-2360

EXAMINER
ZENATI, AMAL S

ART UNIT	PAPER NUMBER
2614	

MAIL DATE	DELIVERY MODE
10/18/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Brian R. Galvin
P.O. BOX 2360
SILVERDALE WA 98383-2360

In re Application of
Richard B. PICKERING

Application No.: 12/376,269	**: DECISION ON REQUEST TO**
Filed: 22 March 2010	**: PARTICIPATE IN THE PATENT**
Attorney Docket No.: 5001	**: PROSECUTION HIGHWAY**
For: APPARATUS AND METHOD FOR INTEGRATING COMPUTER-TELEPHONY AND SEARCH TECHNOLOGY	**: 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 24 September 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 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 request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once the formalities review has been completed.

Any inquiry regarding this decision should be directed to Lee W. Young, Quality Assurance Specialist, 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 2600

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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KLARQUIST SPARKMAN, LLP
121 SW SALMON STREET
SUITE 1600
PORTLAND OR 97204

MAILED

OCT 28 2011

OFFICE OF PETITIONS

In re Application of
Gerald Gay et al
Application No. 12/376,281
Filed: February 3, 2009
Attorney Docket No. 8224-82646-01

DECISION GRANTING PETITION
UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition under 37 CFR 1.313(c)(2), filed 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 8, 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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DEC 30 2010

PCT LEGAL ADMINISTRATION

LADAS & PARRY LLP
26 WEST 61ST STREET
NEW YORK NY 10023

In re Application of: GORANTLA, et al. :
U.S. Application No.: 12/376,354 :
PCT No.: PCT/IN2007/000314 :
International Filing Date: 31 July 2007 :
Priority Date: 04 August 2006 :
Attorney Docket No.: 0288-076P/JAB :
For: PROCESS FOR THE :
PREPARATION OF :
MONTELUKAST AND ITS SALTS :
THEREOF :

DECISION

This communication is issued in response to the "Response To Communication" filed 28 October 2010, treated herein as a petition under 37 CFR 1.181 for acceptance of the declaration filed herein. No petition fee is required.

BACKGROUND

The procedural background for the present application was set forth in the communication mailed on 02 September 2010. The communication indicated that the declaration filed during the international phase was unacceptable on the present record because of an apparent inconsistency between the names of record the inventors and their names as listed on the declaration. Specifically, it appeared that the given names and the family names of the inventors had been reversed on the declaration. The communication indicated that a petition under 37 CFR 1.182 was required to correct the names of record to correspond to the names as listed on the declaration.

On 28 October 2010, applicants filed the "Response To Communication" considered herein as a petition under 37 CFR 1.181. The petition requests acceptance of the declaration as filed, without the need for a petition under 37 CFR 1.182.

DISCUSSION

The present submission clarifies the record regarding the apparent reversal in the inventors' names discussed in the previous communication. Specifically, applicants confirm that the correct family names of the inventors are as indicated on the published international application. The present submission also confirms that, although not expressly indicated thereon, the names of the inventors were printed on the declaration with the family names first and that the names listed on the declaration are therefore consistent with the inventors' names of record. It is noted that applicants' earlier submission in response to the Notification Of Missing

Requirements resolved the discrepancy in the given name of the fifth inventor by stating that the fifth inventor's given name was incorrectly spelled on the international application ("Narsimha") as the result of a typographical error and that the spelling of this inventor's given name on the declaration ("Narasimha") is correct.

Based on the statements in the present petition and those submitted in response to the Notification of Missing Requirements, the names as listed on the declaration are accepted as being consistent with the names of record for the inventors. The declaration filed during the international phase pursuant to PCT Rule 4.17(iv) is therefore considered acceptable as filed, and a petition under 37 CFR 1.182 is not required.

CONCLUSION

Applicants' petition under 37 CFR 1.181 is **GRANTED.**

The declaration filed during the international phase under PCT Rule 4.17(iv) is accepted as satisfying the declaration requirement of 37 CFR 1.497.

The names of record for the seven inventors herein are as follows (family name in capitals): (1) GORANTLA, Seeta, Ramanjaneyulu; (2) BANDARI, Mohan; (3) INDUKURI, Venkata, Sunil, Kumar; (4) SIMHADRI, Srinivas; (5) KETAVARAPU, Narasimha, Rao; (6) JAMMULAVEERA, Venkata, Krishna, Kishore; and (7) MOHAMMED, Yaseen.

The application is being referred to the National Stage Processing Branch of the Office of PCT Legal Administration for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2) ,and (c)(4) is 04 February 2009.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/376,404	02/04/2009	Derek McGrogan	1669-2 PCT/US	6296

23869 7590 03/30/2012
HOFFMANN & BARON, LLP
6900 JERICHO TURNPIKE
SYOSSET, NY 11791

EXAMINER
SHAKERI, HADI

ART UNIT	PAPER NUMBER
3727	

MAIL DATE	DELIVERY MODE
03/30/2012	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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HOFFMANN & BARON, LLP
6900 JERICHO TURNPIKE
SYOSSET NY 11791

In re Application of:
MCGROGAN, DEREK
Serial No. 12/376,404
Filed: Aug. 3, 2010
Docket: 1669-2 PCT/US
Title: ABRASIVE ARTICLES

DECISION ON PETITION
UNDER 37 CFR § 1.181

This is a decision on the request filed March 8, 2012 under 37 CFR 1.181 requesting withdrawal of the finality of the last Office action mailed February 6, 2012.

The petition is **granted.**

In finding petitioner's points of argument persuasive, the requested relief is granted. As such, the finality of the Office actions issued on February 6, 2012 is premature and the finality of the Office action is hereby withdrawn. Since the finality is being withdrawn, any the amendment filed in response to the Office action of February 6, 2012 will be treated and entered as a 37 CFR § 1.111 amendment.

The application is being forwarded to the examiner via the Supervisory Patent Examiner of Art Unit 3727 awaiting the applicant's response to the outstanding Office action of February 6, 2012. Any inquiry regarding this decision should be directed to Henry C. Yuen, Supervisory Patent Examiner, at (571) 272-4856.

PETITION GRANTED.

for

Donald T. Hajec, Director
Technology Center 3700

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/376,420	06/03/2009	Timo Luukas	337409US0PCT	6443

7590 09/02/2011
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

ART UNIT	PAPER NUMBER

NOTIFICATION DATE	DELIVERY MODE
09/02/2011	ELECTRONIC

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☑ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

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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.
12/376,433	02/04/2009	Hiroyasu Makino	10478-5500	6663

7590 08/16/2011
SNELL & WILMER L.L.P. (Panasonic)
600 ANTON BOULEVARD
SUITE 1400
COSTA MESA, CA 92626

EXAMINER
CRAWLEY, KEITH L

ART UNIT	PAPER NUMBER
2629	

MAIL DATE	DELIVERY MODE
08/16/2011	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☑ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Mimi Farmer

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/376,462	06/21/2010	Guillaume De Souza	Serie 7160	7022

EXAMINER
GREENE, JASON M

ART UNIT	PAPER NUMBER
1776	

NOTIFICATION DATE	DELIVERY MODE
04/13/2012	ELECTRONIC

7590 04/13/2012
American Air Liquide, Inc.
Intellectual Property Dept.
2700 Post Oak Boulevard
Suite 1800
Houston, TX 77056

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☑ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Mimi Farmer

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FORM PET651D (Rev. 08/07)

- 1 OCT 2010

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POLSINELLI SHUGHART PC
700 West 47th Street
Suite 1000
KANSAS CITY MO 64112

In re Application of	:	
Rome et al.	:	
Application No.: 12/376,566	:	
PCT No.: PCT/US2007/076209	:	
Int. Filing Date: 17 August 2007	:	DECISION
Priority Date: 18 August 2006	:	
Attorney Docket No.: PD-06E118/127672	:	
For: Method And System For Determining	:	
Task Scheduling Probability	:	

This is in response to the papers filed on 05 February 2009.

BACKGROUND

International application PCT/US2007/076209 was filed on 17 August 2007, claimed an earlier priority date of 18 August 2006, and designated the United States. The period for payment of the basic national fee in the United States expired as of midnight on 18 February 2009. Applicants filed *inter alia* a basic national fee in 12/376,566 on 05 February 2009.

DISCUSSION

Review of the instant application file reveals that the Transmittal Letter (Form PTO-1390) filed on 05 February 2009 was directed toward the national stage under 35 U.S.C. 371 of "PCT/US2008/076209," while the Electronic Acknowledgment Receipt dated 05 February 2009 shows that applicants indicated "PCT/US08/76209" was the subject of the submission. However, the preliminary amendment dated 05 February 2009 makes a cross-reference to PCT/US2007/076209 instead, and the bibliographic information for this case resembles that for PCT/US2007/076209, not PCT/US2008/076209. For instance, PCT/US2007/076209 has the same international filing date, priority date, title and applicant as shown on the Transmittal Letter. In view of the discrepancy, it is not sufficiently clear which international application was intended to enter the national stage. Resolution of this matter would require a formal petition (and fee) under 37 CFR 1.182, clarifying which international application was intended to enter the national stage under 35 U.S.C. 371.

It is noted that the declaration filed on 05 February 2009 appears to have been assembled by aggregating separately signed sheets into one document. This is not appropriate in view of the policy described at MPEP 201.03 and 605.04(a) "Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration (by combining the signature pages)." An acceptable oath or declaration is required.

DECISION

The papers filed on 05 February 2009 are **NOT ACCEPTED** under 35 U.S.C. 371, without prejudice, as described above.

A proper response (as described herein) must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any such response should be entitled "Petition Under 37 CFR 1.182." Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

United States Patent and Trademark Office

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FEB 01 2011

PCT LEGAL ADMINISTRATION

POLSINELLI SHUGHART PC
700 West 47th Street
Suite 1000
KANSAS CITY MO 64112

In re Application of
Rome et al.
Application No.: 12/376,566
PCT No.: PCT/US2007/076209
Int. Filing Date: 17 August 2007
Priority Date: 18 August 2006
Att. Docket No.: PD-06E118/127672; RAY044.327672
For: Method And System For Determining Task Scheduling Probability

DECISION

This is in response to the petition under 37 CFR 1.182 filed on 01 December 2010.

DISCUSSION

In a Decision mailed on 01 October 2010, applicants were advised that the papers filed on 05 February 2009 were not accepted under 35 U.S.C. 371, without prejudice, because of a discrepancy in the identification of the international application.

In response, petitioner state that "there was an inadvertent, typographical error on Form PTO-1390. International application Number PCT/US2008/076209 should have been PCT/US2007/076209... the correct International Application Number is PCT/US2007/076209." Based on the totality of the evidence now of record, it would be appropriate to accept petitioner's statements as to the nature of the discrepancy and as to the identity of the international application which is to enter the national stage in the United States.

The declaration filed on 01 December 2010 is acceptable for purposes of compliance with 37 CFR 1.497(a) and (b). The surcharge under 37 CFR 1.492(h) is being charged to Deposit Account 50-1662, per the authorization included in the petition.

DECISION

The petition is **GRANTED**, as described above.

This application is being returned to the Office of Patent Application Processing for processing as the national stage under 35 U.S.C. 371 of PCT/US2007/076209. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **01 December 2010**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

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FEB 01 2012

OFFICE OF PETITIONS

LAW OFFICES OF DAVID M. LANG
3051 Daggett Drive
Granite Bay CA 95746

In re Application of
Franklin, et al.
Application No. 12/376,571
Filed: February 6, 2009
Atty. Dkt. No.: MM84930

: DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 18, 2012.

The petition is **GRANTED**.

The application became abandoned December 24, 2011 for failure to timely submit a proper reply to the Notice of Allowability (Notice) September 23, 2011. The Notice set a three month statutory period of time for reply. Notice of Abandonment was mailed January 12, 2012.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(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

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GLOBAL PATENTS
FIVE MOORE DR., PO BOX 13398
MAIL STOP: C.2111F
RESEARCH TRIANGLE PARK NC 27709-3398

MAILED
NOV 03 2010
PCT LEGAL ADMINISTRATION

In re Application of :
DIAZ, et al. :
Application No.: 12/376,577 : DECISION ON PETITION
PCT No.: PCT/US2007/075424 :
Int. Filing Date: 08 August 2007 : UNDER 37 CFR 1.181
Priority Date: 09 August 2006 :
Atty docket no.: PR62062USW :
For: NOVEL COMPOUNDS AS ANTAGONISTS OR :
INVERSE AGONISTS FOR OPIOID RECEPTORS:

This is a decision on applicant's correspondence filed 18 June 2010 in the United States Patent and Trademark Office (USPTO). The paper is being treated as a petition under 37 C.F.R. § 1.181 to correct the 35 U.S.C. 371 completion date. No petition fee is due.

BACKGROUND

On 06 February 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 first preliminary amendment; an executed declaration of the inventors and an Information Disclosure Statement.

On 09 April 2010, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide an executed oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. Applicant was given two months to respond and advised that this time period could be extended with a proper petition and payment of fees.

On 14 April 2010, applicant filed a response indicating that a declaration of the inventors had been submitted with the original U.S. National stage filing on 06 February 2009.

On 24 May 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 14 April 2010.

On 18 June 2010, applicant filed the present petition claiming that the 371 requirements

were satisfied on 06 February 2010. Further, applicant is seeking a refund of the $130.00 surcharge charged to applicant's deposit account on 19 May 2010.

DISCUSSION

A review of the application file finds that applicant's declaration of the inventors was first filed on 06 February 2009 and that said declaration is in compliance with 37 CFR 1.497 (a)-(b). As such, it is proper to grant applicant's petition at this time.

CONCLUSION

Applicant's petition under 37 CFR 1.181 is **GRANTED**.

The application will be given an international filing date of 08 August 2007 under 35 U.S.C. 363 and a date of **06 February 2009** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

The Form PCT/DO/EO/905 mailed 09 April 2010 and Form PCT/DO/EO/903 mailed 24 May 2010 are 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

UNITED STATES PATENT and TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR NY 10510

MAILED
OCT 27 2010
PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
BAKER et al	:	
Application No: 12/376,581	:	
PCT No.: PCT/IB2007/053145	:	
Int. Filing Date: 08 August 2007	:	PETITION UNDER
Priority Date: 09 August 2006	:	
Attorney's Docket No.: 006645 US1	:	
For: RADIO COMMUNICATION ...	:	37 CFR 1.47(a)
METHODS OF OPERATING SAME	:	

This is in response to the "RENEWED PETITION UNDER 37 CFR 1.47(a)" filed on 30 August 2010 that seeks the acceptance of the application without the signature of the joint inventor Mr. Domenićo Porcino.

BACKGROUND

In a decision from this Office on 30 June 2010, the petition filed on 29 April 2010 was dismissed. The decision stated that item (2) of 37 CFR 1.47 was not met.

On 30 March 2010, petitioner filed the present renewed petition accompanied with declarations from Nico van Barschot and Kevin C. Ecker.

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.

The renewed petition of 30 March 2010 has satisfied the items under 37 CFR 1.47(a).

Item (2) has been satisfied. The renewed petition is accompanied by a declaration of Mr. Ecker, who states that he contacted Mr. Porcino co-inventors but has not received any additional information. Also, Mr. Ecker has conducted a searches and contacted the relevant persons with the surname Porcino but none of them is the joint inventor of the aforementioned application.

Accordingly, the steps enumerated are sufficient to establish that Mr. Porcino could not be found or reached after diligent effort.

Petitioner has now satisfied items (1), (2), (3), and (4) under 37 CFR 1.47(a), thus completing the requirements under 37 CFR 1.47(a).

CONCLUSION

The petition under 37 CFR 1.47(a) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 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

Mr. Domenico Porcino
75 Thorton Place
Surrey Horley RH6 8RH
United Kingdom

MAILED

OCT 27 2010

PCT LEGAL ADMINISTRATION

In re Application of
BAKER et al
Application No: 12/376,581
PCT No.: PCT/IB2007/053145
Int. Filing Date: 08 August 2007
Priority Date: 09 August 2006
Attorney's Docket No.: 006645 US1
For: RADIO COMMUNICATION ...
METHODS OF OPERATING SAME

Dear: Porcino:

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.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR NY 10510

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE NC 28280-4000

MAILED

OCT 22 2010

OFFICE OF PETITIONS

In re Application of	:	
Hyong-Suk Kim	:	DECISION ON PETITION
Application No. 12/376,679	:	TO WITHDRAW
Filed: February 6, 2009	:	FROM RECORD
Attorney Docket No. 052983/367708	:	

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 11, 2010.

The request is **NOT APPROVED**.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. *See* **Change In Procedure For Requests To Withdraw From Representation In A Patent Application 1329 OG 99 (April 8, 2008).**

Further, 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.***

A review of USPTO records reveals that Choi, Sung-Yong is an assignee of 50% interest and M-Biz Global Company Limited is an assignee of 50% interest. The combination of all partial assignees with ownership interest is required to conduct prosecution of an application. Petitioner has again requested dual correspondence to include both assignees. Petitioner should be aware that dual correspondence with an applicant and his or her attorney, or with two representatives, will not be undertaken. See MPEP § 403.01, § 403.02, and § 714.01(d). Therefore, the request is considered improper. Petitioner must submit one correspondence address. 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
www.uspto.gov

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

MAILED
FEB 06 2012
OFFICE OF PETITIONS

In re Application of:	: DECISION ON REQUEST TO
Fukushiro et al.	: PARTICIPATE IN THE PATENT
Application No. 12/376,686	: PROSECUTION HIGHWAY
Filed: February 6, 2009	: PROGRAM AND PETITION
Attorney Docket No. Q111841	: 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 Notice of Allowance was mailed January 26, 2012 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

MAILED

MAR 01 2011

PCT LEGAL ADMINISTRATION

STEPTOE & JOHNSON, LLP
1330 CONNECTICUT AVENUE, NW
WASHINGTON, DC 20036

In re Application of	:	
BOZIC, et al.	:	DECISION ON PETITIONS
Serial No.: 12/376,697	:	
PCT No.: PCT/US2007/075577	:	UNDER 37 CFR 1.47(a)
Int. Filing Date: 09 August 2007	:	
Priority Date: 09 August 2006	:	AND 37 CFR 1.182
Atty Docket No.: B2047-7029US	:	
For: METHOD FOR DISTRIBUTION OF A DRUG	:	

This decision is in response to applicant's "PETITION UNDER 37 CFR 1.47(b)" filed 15 November 2010 in the United States Patent and Trademark Office (USPTO) to accept the application without the signature of inventor Anissa Kalinowski. As the filed declaration has been signed by the other inventors listed on the published international application the petition is being considered pursuant to 37 CFR 1.47(a).

In addition, the concurrently filed letter from Mrs. Erika M. Gill is being treated as a petition under 37 CFR 1.182. As authorized, the $400.00 petition fee will be charged to Deposit Account 19-4293.

BACKGROUND

On 09 August 2007, applicant filed international application PCT/US2007/075577 which claimed priority to a previous application filed 09 August 2006. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States was set to expire at midnight on 09 February 2009.

On 06 February 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) and an Application Data Sheet.

On 15 April 2010, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide an executed oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. Applicant was given two months to respond and advised that this time period could be extended with a proper petition and payment of fees.

On 15 November 2010, applicant filed the present petition under 37 CFR 1.47(a)

accompanied by a petition for a five-month extension of time. With payment of the five-month extension of time, applicant's present response is considered timely filed.

DISCUSSION

I. Petition Under 37 CFR 1.47(a)

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant has satisfied items 1and 3.

As to item (2), as stated in the Manual of Patent Examination Procedure (MPEP), Section 409.03(d) Proof of Unavailability or Refusal, "Before a refusal can be alleged, it must be demonstrated that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor for signature."

In the present case it is not clear that the inventor was presented with a complete set of application papers or merely the declaration and assignment documents.

Regarding item 4, the currently filed declaration does not comply with 37 CFR 1.497(a) as the declaration for inventor Kalinowski has been executed by an individual other than the inventor. It does not appear to be a situation where the applicant is asking that the declaration be accepted pursuant to 37 CFR 1.42 or 37 CFR 1.43. MPEP section 409.03(a) explains that:

All the available joint inventors must (1) make oath or declaration on their own behalf as required by 37 CFR 1.63 or 1.175 (see MPEP § 602, § 605.01, and § 1414) and (2) make oath or declaration on behalf of the nonsigning joint inventor as required by 37 CFR 1.64. 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.

For the reasons stated above, it is not possible to grant applicant's petition under 37 CFR 1.47(a) at this time.

Petition Under 37 CFR 1.182

MPEP section 605.04 provides guidance for instances where an inventor has changed names. It explains that:

In cases where an inventor's name has been changed after the application has been filed and the inventor desires to change his or her name on the application, he or she must submit a petition under 37 CFR 1.182. Applicants are also strongly encouraged to submit an application data sheet (37 CFR 1.76) showing the new name. The petition should be directed to the attention of the Office of Petitions. The petition must include an appropriate petition fee and a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a copy of the court order.

The present petition is accompanied by a signed statement from inventor Mrs. Gill explaining that her name changed as a result of marriage. The declaration is signed by Mrs. Reuter in both her maiden and current married name. As such, it is proper to grant applicant's petition under 37 CFR 1.182 at this time.

CONCLUSION

Applicant's petition under 37 CFR 1.182 is **GRANTED**.

Applicant's petition under 37 CFR 1.47(a) is **DISMISSED**.

Applicant is hereby afforded **TWO (2) MONTHS** from the mail date of this decision to file a renewed petition. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fees are required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration or electronically filed utilizing the USPTO's EFS-Web electronic filing system.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: 571-272-3294

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

APR 08 2011

PCT LEGAL ADMINISTRATION

Steptoe & Johnson, LLP
1330 Connecticut Avenue, NW
Washington, DC 20036

In re Application of	:	
BOZIC, et al.	:	
U.S. Application No.: 12/376,697	:	DECISION ON PETITION
PCT No.: PCT/US2007/075577	:	
Int. Filing Date: 09 August 2007	:	UNDER 37 CFR 1.47(a)
Priority Date: 09 August 2006	:	
Attorney Docket No.: B2047-7029US	:	
For: METHOD FOR DISTRIBUTION OF A DRUG	:	

This decision is in response to applicant's renewed petition filed 17 March 2011 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 01 March 2011, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47.

On 17 March 2011, applicant filed the presently discussed paper which is being treated as a renewed petition under 37 CFR 1.47(a).

DISCUSSION

As detailed in the decision mailed 01 March 2011, 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 3.

As detailed in applicant's response of 17 March 2011, applicant has located the previously non-signing inventor and currently provided a declaration signed by Ms. Kalinowski. As applicant has now provided signed declarations by all of the inventors listed on the published international application, the renewed petition under 37 CFR 1.47(a) is dismissed as moot.

CONCLUSION

For the reasons above, applicant's renewed petition under 37 CFR 1.47(a) is **DISMISSED as moot**.

The application has an international filing date of 09 August 2007 under 35 U.S.C. 363, and will be given a date of **17 March 2011** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the DO/EO/US for processing in accordance with this decision. Specifically, the mailing of a Notification of Acceptance (Form PCT/DO/EO/903).

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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LEASON ELLIS LLP
ONE BARKER AVENUE
FIFTH FLOOR
WHITE PLAINS NY 10601-1526

MAILED

APR 12 2012

OFFICE OF PETITIONS

In re Application of	:	
Hirofumi Ito et al	:	
Application No. 12/376,772	:	DECISION GRANTING PETITION
Filed: February 6, 2009	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 06920/001045-US0	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, April 10, 2012 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on March 26, 2012 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 1771 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

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. 12/376,802	:	DECISION ON PETITION
Effectively filed: February 9, 2009	:	TO MAKE SPECIAL UNDER
Attorney Docket No. ABT-065	:	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.

Upon completion of the pre-examination processing by the Office of Patent Application Processing, this application will be referred to Technology Center 1615 for action on the merits commensurate with this decision.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/376,812	04/20/2009	Gunther Hartmann	051058-057000-US	1382

90162 7590 10/29/2010
David S. Resnick
Nixon Peabody LLP
100 Summer Street
Boston, MA 02110

EXAMINER

ART UNIT	PAPER NUMBER
1646	

MAIL DATE	DELIVERY MODE
10/29/2010	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

David S. Resnick
Nixon Peabody LLP
100 Summer Street
Boston MA 02110

Applicant: Hartmann et al.
Appl. No.: 12/376,812
Filing Date: April 20, 2009
Title: STRUCTURE AND USE OF 5'PHOSPHATE OLIGONUCLEOTIDES
Attorney Docket No.: 051058-057000-US
Pub. No.: US 2010/0178272 A1
Pub. Date: July 15, 2010

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on October 18, 2010, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because **the applicant submitted the papers as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission**. The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission and must include a copy of the application in compliance with the Office electronic filing system requirements. The applicant is directed to the following website for additional instructions on how to submit a Pre-Grant Publication submission via the electronic filing system:

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any questions or requests for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.

Tammy J. Koontz
Office of Data Management
United States Patent & Trademark Office

Adjustment date: 10/29/2010 KKING1
10/19/2010 INTEFSW 00004390 500850 12376812
02 FC:1808 130.00 CR

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: GJE.1298	Application Number (if known): 12/376,826	Filing date: May 22, 2009

First Named Inventor: Anthony Atkinson

Title: Thermophilic Microorganisms for Ethanol Production

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 of Special Status, Preliminary Amendment

Signature Glenn P. Ladwig	Date January 17, 2011
Name (Print/Typed) Glenn P. Ladwig	Registration Number 46,853

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.

I hereby certify that this correspondence is being electronically filed in the United States Patent and Trademark Office on January 17, 2011

Glenn P. Ladwig

Glenn P. Ladwig, Patent Attorney, Reg. No. 46,853

STATEMENT OF SPECIAL STATUS
Examining Group 1632
Patent Application
Docket No. GJE.1298
Serial No. 12/376,826

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner	:	Hope A. Robinson
Art Unit	:	1632
Applicants	:	Anthony Atkinson, Roger Cripps, Brian Rudd, Kirstin Eley, Steve Martin, Paul Milner, Claire Mercier
Serial No.	:	12/376,826
Filed	:	May 22, 2009
Confirm. No.	:	1472
For	:	Thermophilic Microorganisms for Ethanol Production

MS AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT OF SPECIAL STATUS FOR ELIGIBILITY REQUIREMENT

This Statement of Special Status is being submitted to make the subject application eligible for entry into the Green Technology Pilot Program.

I. Basis for Special Status

Applicants request special status as the claimed invention materially contributes to the discovery or development of renewable energy resources (*e.g.*, renewable biomass).

II. Explanation For How Materiality Standard is Met

This invention relates to thermophilic microorganisms that have been modified to permit increased production of ethanol as a fermentation product.

There has been much interest in ethanol production using either microorganisms that undergo anaerobic fermentation naturally, or recombinant microorganisms that incorporate genes involved in the production of ethanol. Although there has been some success in producing ethanol by using these microorganisms, fermentation is often compromised by the increased concentration of the ethanol, especially where the microorganism has a low level of ethanol tolerance.

Thermophilic bacteria have been proposed for ethanol production, and their use has the advantage that fermentation can be carried out at elevated temperatures, which allows the ethanol produced to be removed as vapor at temperatures above 50°C and permits high sugar concentrations during fermentation. These attributes result in a more cost effective process. However, finding suitable thermophilic bacteria that can produce ethanol efficiently is problematic.

In the art, development of microorganisms for ethanol production relies on modifying laboratory-produced chemically mutated *Bacillus* microorganisms, treating these with *in vivo* methylation procedures, and further modifying the microorganisms to integrate plasmid DNA into the insertion element sequence. The procedure is complex and uncertain, and there are also regulations limiting how the strains can be used. Therefore, there is a need for improved microorganisms for ethanol production.

Ethanol use in vehicles reduces carbon dioxide emissions, because carbon dioxide is absorbed during growth of the cellulosic biomass feedstock (plant) used as a raw material. Ethanol production with thermophilic microorganisms requires less energy than conventional ethanol production processes, offering a climate-friendly substitute for gasoline and promoting more efficient use of agricultural land.

Respectfully submitted,

Glenn P. Ladwig
Patent Attorney
Registration No. 46,853
Phone No.: 352-375-8100
Fax No.: 352-372-5800
Address: P.O. Box 142950
Gainesville, FL 32614-2950

GPL/jnw
Attachment: Petition to Make Special Under the Green Technology Pilot Program

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/376,826	05/22/2009	Anthony Atkinson	GJE.1298	1472

23557 7590 02/07/2011
SALIWANCHIK, LLOYD & EISENSCHENK
A PROFESSIONAL ASSOCIATION
PO Box 142950
GAINESVILLE, FL 32614

EXAMINER
ROBINSON, HOPE A

ART UNIT	PAPER NUMBER
1652	

NOTIFICATION DATE	DELIVERY MODE
02/07/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

euspto@slepatents.com

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FEB 0 7 2011

SALIWANCHIK, LLOYD & EISENSCHENK
A PROFESSIONAL ASSOCIATION
PO Box 142950
GAINESVILLE FL 32614

In re Application of	:	
ATKINSON, Anthony *et al.*	:	DECISION ON PETITION
Application No. 12/376826	:	TO MAKE SPECIAL UNDER
Filed: May 22, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. GJE.1298	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed January 17, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Manjunath Rao at 571-272-0939.

The application is being forwarded to the Technology Center Art Unit 1652 for action on the merits commensurate with this decision.

/Manjunath Rao/

Manjunath Rao
Supervisory Patent Examiner &
POC for TC 1600 Green Tech Petitions
Technology Center 1600

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MAILED

OCT 21 2010

PCT LEGAL ADMINISTRATION

JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017

In re Application of	:	
Gerchberg, Louise	:	
Application No.: 12/376,890	:	
PCT No.: PCT/US2007/018008	:	
Int. Filing Date: 02 November 2007	:	DECISION
Priority Date: None	:	
Attorney Docket No.: 10495-007-999	:	
For: LIGHT MICROSCOPE WITH	:	
NOVEL DIGITAL METHOD TO	:	
ACHIEVE SUPER-RESOLUTION	:	

This is in response to attorneys' request to withdraw as attorneys of record, filed 03 September 2010, in regard to 12/376,890. The Request is **DISMISSED AS MOOT**.

Counsel was never appointed in the above application. As such, counsel cannot withdraw. Counsel has requested a change of correspondence address to the legal representative Louise Gerchberg at:

Louise Gerchberg
20 Kensington Rd.
Ardsley, NY 10502

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

cc: Louise Gerchberg
20 Kensington Rd.
Ardsley, NY 10502

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED

OCT 21 2010

PCT LEGAL ADMINISTRATION

Louise Gerchberg
20 Kensington Road
Ardsley, NY 10502

In re Application of Gerchberg, Louise Application No.: 12/376,890 PCT No.: PCT/US2007/018008 Int. Filing Date: 02 November 2007 Priority Date: None Attorney Docket No.: 10495-007-999 For: LIGHT MICROSCOPE WITH NOVEL DIGITAL METHOD TO ACHIEVE SUPER-RESOLUTION	DECISION ON REQUEST UNDER 37 CFR 1.42

This is a decision on applicant's submission of a declaration on 09 February 2009, containing an indication that an inventor is deceased. It has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 09 February 2009, applicants filed a transmittal letter to the United States Designated/Elected Office, accompanied by, *inter alia*, the basic national fee and a declaration of the inventors.

On 09 August 2010, applicants submitted a request for status in the above application.

On 03 September 2010, a petition to withdraw as agents of record was submitted.

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 09 February 2009 declaration satisfies the requirements of 37 CFR 1.42 and 37 CFR 1.497(a)-(b).

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **GRANTED**.

This application is being forwarded to the National Stage Processing Division of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: (571) 272-3292

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ANTOINETTE M. TEASE
P. O. BOX 51016
BILLINGS MT 59105

MAILED

DEC 20 2010

OFFICE OF PETITIONS

In re Application of	:	
Ralph W. Gerchberg, et al.	:	
Application No. 12/376,890	:	DECISION ON PETITION
Filed: February 9, 2009	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 10495-007-999	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 20, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from the applicant, Louise Berchberg declaring that she is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

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 2872 for action on the merits commensurate with this decision.

/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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ANTOINETTE M. TEASE
P.O. BOX 51016
BILLINGS MT 59105

MAILED
MAY 27 2011
OFFICE OF PETITIONS

In re Application of	:	
GERCHBERG, et al	:	
Application No. 12/376,890	:	DECISION ON PETITION
Filed: February 9, 2009	:	TO WITHDRAW
Attorney Docket No: 10495-007-999	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 23, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Antoinette M. Tease on behalf of the attorneys of record associated with Customer No. 45766.

The attorneys of record associated with Customer No. 45766 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

Office record indicates the first named inventor is deceased.
The correspondence address of record has been changed and the new correspondence address is the address indicated below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc: LOUISE GERCHBERG
20 KENSINGTON
ARDSLEY NY 10502

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/376,890	02/09/2009	Ralph W. Gerchberg	10495-007-999

CONFIRMATION NO. 1943

POWER OF ATTORNEY NOTICE

45766
ANTOINETTE M. TEASE
P. O. BOX 51016
BILLINGS, MT 59105

OC000000047930000

Date Mailed: 05/27/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/23/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/dcgoodwyn/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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HUSCH BLACKWELL LLP
190 CARONDELET PLAZA
SUITE 600
ST. LOUIS MO 63105

MAILED
MAR 09 2012
OFFICE OF PETITIONS

In re Application of	:	
Notte, et al.	:	
Application No. 12/376,896	:	DECISION
Filed/Deposited: 9 February, 2009	:	
Attorney Docket No. 60079.5	:	

This is a decision on the petition filed on 9 January, 2012, pursuant to 37 C.F.R. §1.137(b) for revival of an application abandoned due to unintentional delay.

The petition pursuant to 37 C.F.R. §1.137(b) is **GRANTED**.

As to the Allegations
of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement and/or showing of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II).

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the Requirement for Restriction mailed on 23 June, 2011, with reply due absent extension of time on or 23 July, 2011.

The application went abandoned by operation of law after midnight 23 July, 2011.

It does not appear that the Office mailed the Notice of Abandonment before a petition was filed.

On 9 January, 2012, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.137(b), with fee/fee authorization, a reply in the form of an Election, and made the statement of unintentional delay.

The Office mailed the Notice of Abandonment on 29 February, 2012.

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c) as to the showing regarding unintentional delay and a petition pursuant to 37 C.F.R. §1.137(b).

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994). And the regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application.[2],[3]

---

[1] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §11.18, formerly §10.18, to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

[2] See: Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. at 53158-59 (October 10, 1997), 1203 Off. Gaz. Pat. Office at 86-87 (October 21, 1997).

[3] The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition. (Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.) Delays in responding properly raise the question whether delays are unavoidable. Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) And the Petitioner must be diligent in attending to the matter. Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care. (By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.))

Moreover, the Office has set forth in the Commentary at MPEP §711.03(c)(I) the showing and timeliness requirements for a proper showing for relief under 37 C.F.R. §1.181 in these matters.

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.[4]

As to Allegations of
Unintentional Delay

As indicated above, the requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a proper reply, a proper statement and/or showing of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

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 1766 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

[4] In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

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.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however , that all practice before the Office is in writing (see: 37 C.F.R. §1.2[5]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

[5] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attdance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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MAILED

DEC 17 2010

PCT LEGAL ADMINISTRATION

LADAS & PARRY LLP
26 WEST 61ST STREET
NEW YORK NY 10023

In re Application of	:	
PRATAP et al.	:	DECISION
Application No.: 12/376,909	:	
PCT No.: PCT/IN2007/000326	:	
Int. Filing Date: 02 August 2007	:	
Priority Date: 09 August 2006	:	
Attorney's Docket No.: U 017618-6	:	
For: R-(-)/S-(+)-7-[3-N SUBSTITUTED AMINO-2	:	
HYDROXYPROPOXY] FLAVONES	:	

This decision is in response to applicants' submission filed in the United States Patent and Trademark Office (USPTO) on 18 June 2010. The submission has properly been treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 02 August 2007, applicants filed international application PCT/IN2007/000326 which claimed a priority date of 09 August 2006 and designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 14 February 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 09 February 2009.

On 09 February 2009, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee.

On 26 March 2010, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 19 April 2010, applicants submitted, *inter alia*, a declaration of inventors.

On 02 June 2010, the DO/EO/US mailed a NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) indicating, *inter alia*, that the declaration filed 19 April

2010 is not executed in accordance with 37 CFR 1.66 or 37 CFR 1.68. Specifically, it was indicated that "combined declarations [were submitted] in lieu of complete sets of declarations (which is required when inventors sign separate declarations)."

On 18 June 2010, applicants filed the instant submission, which has properly been treated as a petition under 37 CFR 1.181.

DISCUSSION

The petition requests that the NOTIFICATION OF DEFECTIVE RESPONSE mailed 02 June 2010 be vacated. It is urged that the declaration of inventors filed 19 April 2010 is not a declaration which impermissibly combines pages of separately executed declarations (Such declarations are discussed in MPEP § 201.03, item II.B.) but rather is a single declaration which has been signed by all applicants. A review of the declaration of inventors reveals that petitioner is correct and the NOTIFICATION OF DEFECTIVE RESPONSE mailed 02 June 2010 was in error. Accordingly, that NOTIFICATION is hereby VACATED.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.181 is **GRANTED**.

The NOTIFICATION OF DEFECTIVE RESPONSE mailed 02 June 2010 is VACATED.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
12/376950	02/09/09	Yoshihisa Kakuda	742421-226

DATE MAILED: August 29, 2011

Studebaker & Brackett PC
One Fountain Square
11911 Freedom Drive, Suite 750
Reston VA 20190

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)
The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

- ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
- ☒ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
- ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
- ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.
- ☐ The petition for express abandonment under 1.138(d) is dismissed because the request was filed after the 2 month time period. A grantable petition under 37 CFR 1.183 must be filed to waive the 2 month time period.

Any inquiries concerning this decision should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

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:	12/376,964	Filing date:	September 15, 2009
First Named Inventor:	Jon Barron		
Title of the Invention:	PROTEOLYTIC ENZYME FORMULATIONS		

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/US07/75630

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(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM IN A U.S. APPLICATION WHERE THE USPTO WAS THE ISA OR IPEA

(continued)

Application No.:	12/376,964
First Named Inventor:	Jon Barron

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 9, 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 9, 2009

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Identical
2	2	Substantially Identical (amended to conform to U.S. method claim format)
3	3	Substantially Identical (amended to conform to U.S. method claim format)
4-10 (Canceled)	N/A	N/A
11	11	Depends from Claim 1 (e.g., narrower in scope)
12 (Canceled)	N/A	N/A
13	13	Substantially Identical (amended to conform to U.S. method claim format)
14	14	Depends from Claim 13 (e.g., narrower in scope)
15-20 (Canceled)	N/A	N/A
21	21	Substantially Identical (amended to conform to U.S. method claim format)
22 (Canceled)	N/A	N/A
23	23	Substantially Identical (multiple dependency amended to single dependency)
24	24	Substantially Identical (multiple dependency amended to single dependency)
25	25	Substantially Identical (multiple dependency amended to single dependency)

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Jason A. Gersting/	Date June 21, 2011
Name (Print/Typed) Jason A. Gersting	Registration Number 65,890

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/376,969	02/10/2009	Masaya Inoue	337900US2PCT	1678

22850 7590 07/15/2011
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
GONZALEZ QUINONES, JOSE A

ART UNIT	PAPER NUMBER
2834	

NOTIFICATION DATE	DELIVERY MODE
07/15/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office
Address : COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
12/376,969	10 February 2009	INOUE ET AL.	337900US2PCT

EXAMINER
JOSE GONZALEZ QUINONES

ART UNIT	PAPER
2834	20110708

DATE MAILED:

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

In response to applicant's petition for consideration under 37 CFR 1.181(a)(3) filed 5/3/2011, the petition is granted. Please find attached the initialed IDS filed May 11, 2009, for which both pages 1 and 2 of two pages have been initialed and all references including Documents (AA) through (AC) have been considered.

/JOSE A GONZALEZ QUINONES/
Examiner, Art Unit 2834

/Quyen Leung/
SPE, Art Unit 2834

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ARNOLD & PORTER LLP
555 TWELFTH STREET, NW
ATTN: IP DOCKETING
WASHINGTON, DC 20004

MAILED
SEP 23 2011
OFFICE OF PETITIONS

Applicant: Bull, et al.
Appl. No.: 12/376,998
International Filing Date: August 15, 2007
Title: COMPOSITIONS AND METHODS OF PLANT BREEDING USING HIGH DENSITY MARKER INFORMATION
Attorney Docket No.: P30810US00/16518.243
Pub. No.: US 2010/0293673 A1
Pub. Date: November, 18, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on December 21, 2010, for the above-identified application

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error on the front page of the application wherein the residence for the first inventor was printed incorrectly, and wherein five of the inventors names was not listed.

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 residence for the first inventor "Wildwood, MO" was misprinted as "Wildwood, MI", and wherein five of the inventors name was not included on the front page maybe Office error but they are not material Office errors as required under 37 CFR 1.1221(b). Furthermore, the error in the city of residence, and/or for not listing all inventors does not affect the understanding of the application. The mistakes do not affect the public's ability to appreciate the technical disclosure of the patent application

[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 determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

HOWREY LLP – EAST
C/O IP DOCKETING DEPARTMENT
1299 PENNSYLVANIA AVENUE, NW, ROOM B-3
WASHINGTON, DC 20002-2402

MAILED
APR 05 2011
OFFICE OF PETITIONS

Applicant: Alex Eon-Duval, et al.
Appl. No.: 12/377,122
International Filing Date: August 27, 2007
Title: PROCESS FOR THE PURIFICATION OF FC-CONTAINING PROTEINS
Attorney Docket No.: 05558.0058.PCUS00
Pub. No.: US 2010/0190961 A1
Pub. Date: July 29, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on August 4, 2010, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains an error in dependent claim 7, wherein the amendment was deleting "any of the preceding claims" was not entered.

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 claim 7, wherein the claim reads "the method according to any of the preceding claims claim 1," is a typographical error, which is clear to one of ordinary skill in the art. The error 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.

The request is granted.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Morgan Lewis & Bockius LLP (CH)
1111 Pennsylvania Avenue
NW
Washington DC 20004

MAILED
AUG 01 2011
OFFICE OF PETITIONS

Applicant: Alex Eon-Duval, et al.
Appl. No.: 12/377,122
International Filing Date: August 27, 2007
Title: PROCESS FOR THE PURIFICATION OF FC-CONTAINING PROTEINS
Attorney Docket No.: 05558.0058.PCUS00
Pub. No.: US 2010/0190961 A1
Pub. Date: July 29, 2009

This is a corrected copy of the decision mailed on April 5, 2011, which deletes the extraneous text at the end of the decision.

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on August 4, 2010, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains an error in dependent claim 7, wherein the amendment was deleting "any of the preceding claims" was not entered.

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 claim 7, wherein the claim reads "the method according to any of the preceding claims claim 1," is a typographical error, which is clear to one of ordinary skill in the art. The error does not affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the 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).

application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Delphi Technologies, Inc.
M/C 480-410-202
P.O. Box 5052
Troy MI 48007

MAILED

NOV 19 2010

PCT LEGAL ADMINISTRATION

In re Application of
LEGRAND, Philippe
Application No.: 12/377,272
Int. Application No.: PCT/FR2007/051810
Int. Filing Date: 10 August 2007
Priority Date: 16 August 2006
Attorney Docket No.: DP-314649
For: QUICK CONNECTION UNION

DECISION ON PETITION
UNDER
37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 12 May 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 basic national fee 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: 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	12377290
Filing Date	08-Jul-2010
First Named Inventor	Frank Richmond
Art Unit	3753
Examiner Name	CRAIG PRICE
Attorney Docket Number	6976/89460
Title	Resealable Components And Systems

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 22242

The reason(s) for this request are those described in 37 CFR:

10.40(c)(1)(vi)

Certifications

☒ I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment

☒ I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled

☒ I/We have notified the client of any responses that may be due and the time frame within which the client must respond

Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:

Name	Frank M. Richmond
Address	205 Grant Street, Unit A
City	Harvard
State	IL
Postal Code	60033
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Timothy E. Levstik/
Name	Timothy E. Levstik
Registration Number	30192

UNITED STATES 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 23, 2012

In re Application of :

Frank Richmond

Application No : 12377290

Filed : 08-Jul-2010

Attorney Docket No : 6976/89460

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 23, 2012

The request is **APPROVED.**

The request was signed by Timothy E. Levstik (registration no. 30192) on behalf of all attorneys/agents associated with Customer Number 22242 . All attorneys/agents associated with Cusotmer Number 22242 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	Frank M. Richmond
Name2	
Address 1	205 Grant Street, Unit A
Address 2	
City	Harvard
State	IL
Postal Code	60033
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

FREESCALE SEMICONDUCTOR, INC.
LAW DEPARTMENT
7700 WEST PARMER LANE MD:TX32/PL02
AUSTIN, TX 78729

MAILED
OCT 18 2010
PCT LEGAL ADMINISTRATION

In re Application of SPARKS et al	:	
U.S. Application No.: 12/377,348	:	
PCT Application No.: PCT/IB2006/003127	:	
Int. Filing Date: 16 August 2006	:	DECISION
Priority Date Claimed: none	:	
Attorney Docket No.: MT10050CF	:	
For: ETCH METHOD IN THE MANUFACTURE	:	
OF AN INTEGRATED CIRCUIT	:	

This is in response to applicant's petition under 37 CFR 1.181 filed 18 August 2010.

BACKGROUND

On 16 August 2006, applicant filed international application PCT/IB2006/003127. A copy of the international application was communicated to the USPTO from the International Bureau on 21 February 2008. The thirty-month period for paying the basic national fee in the United States expired on 17 February 2009.

On 12 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 21 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 a newly executed oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 09 July 2010, applicant filed an executed declaration.

On 19 July 2010, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which indicated that the declaration filed 09 July 2010 did not identify the application to which it is directed.

On 18 August 2010, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

MPEP 602, Section VI, Identification of Application, states in relevant part,

> The following combinations of information supplied in an oath or declaration filed after the filing date of the application are acceptable as minimums for identifying a specification and compliance with any one of the items below will be accepted as complying with the identification requirement of 37 CFR 1.63:
>
> (A) application number (consisting of the series code and the serial number, e.g., 08/123,456);
>
> (B) serial number and filing date;
>
> (C) attorney docket number which was on the specification as filed;
>
> (D) title of the invention which was on the specification as filed and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration; or
>
> (E) title of the invention which was on the specification as filed and accompanied by a cover letter accurately identifying the application for which it was intended by either the application number (consisting of the series code and the serial number, e.g., 08/123,456), or serial number and filing date. Absent any statement(s) to the contrary, it will be presumed that the application filed in the USPTO is the application which the inventor(s) executed by signing the oath or declaration.

In the present case, the declaration filed on 09 July 2010 contained the title of invention which was on the specification as filed and was accompanied by a cover letter which indicated the application number and filing date.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is GRANTED.

The Notification of Defective Response (Form PCT/DO/EO/916) mailed 19 July 2010 is hereby VACATED.

The application has an International Filing Date under 35 U.S.C. 363 of 16 August 2006, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 09 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110720

DATE : July 20, 2011

TO SPE OF : ART UNIT 1783

SUBJECT : Request for Certificate of Correction on Patent No.: 7955680

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:

/DAVID SAMPLE/
Supervisory Patent Examiner.Art Unit 1783

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : May 20,2011

In re Application of :

Richard Ashman

Application No : 12377436

Filed : 12-Oct-2010

Attorney Docket No : 102903-102

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR§ 1.36(b), filed May 20,2011

The request is **APPROVED**

The request was signed by Anthony P. Gangemi (registration no. 42565) on behalf of all attorneys/agents associated with Customer Number 27267 . All attorneys/agents associated with Customer Number 27267 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with Customer number 27267 .

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

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	12377436
Filing Date	12-Oct-2010
First Named Inventor	Richard Ashman
Art Unit	3775
Examiner Name	
Attorney Docket Number	102903-102
Title	Shape-Transforming Implant Device

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 27267

The reason(s) for this request are those described in 37 CFR:

10.40(b)(4)

Certifications

☒ 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 address of the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, associated with Customer Number: 27267

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/Anthony P. Gangemi/
Name	Anthony P. Gangemi
Registration Number	42565

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BERENATO & WHITE, LLC
6550 ROCK SPRING DRIVE
SUITE 240
BETHESDA, MD 20817

MAILED
OCT 08 2010
PCT LEGAL ADMINISTRATION

In re Application of PFAU et al :
U.S. Application No.: 12/377,448 :
PCT Application No.: PCT/US2007/018932 :
Int. Filing Date: 28 August 2007 :
Priority Date Claimed: 28 August 2006 : DECISION
Attorney Docket No.: 16240.M335 :
For: METHOD OF SEALING A POROUS :
FIBROUS SUBSTRATE, AND DOOR :
SKINS, PRODUCED BY THE METHOD :

This is in response to applicant's petition under 37 CFR 1.47(a) filed 10 August 2010.

BACKGROUND

On 28 August 2007, applicant filed international application PCT/US2007/018932, which claimed priority of an earlier United States application filed 28 August 2006. The thirty-month period for paying the basic national fee in the United States expired on 02 March 2009.

On 13 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 24 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 10 August 2010, applicant filed the present petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2)

factual proof that the missing joint inventors refuse to join in the application or cannot be reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

With regard to item (1) above, applicant has submitted a declaration signed by the available inventor on his own behalf and on behalf of the nonsigning inventor.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made. . . . The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts. It is important that the statement contain facts as opposed to conclusions.
>
> * * *
>
> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. . . . It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).
>
> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged

> in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

The petition states that joint inventor Steven Hart cannot be found. However, the petition does not sufficiently demonstrate that a diligent effort was made to locate Mr. Hart. Although the petition states that applicant attempted to contact Mr. Hart by electronic mail, a copy of the message has not been provided. Furthermore, the petition does not contain documentary evidence of other methods attempted, such as by postal mail, by searching Internet directories, by contacting Mr. Hart's current/former employer, and by contacting the other joint inventor. Thus, it would not be reasonable to conclude at the present time that Mr. Hart cannot be found.

It is noted that petitioner has not alleged that Mr. Hart refuses to sign. Adequate evidence of a refusal to sign, if later alleged, would include proof of receipt by Mr. Hart of a complete copy of the application papers (including specification, claims, drawings, and oath/declaration) together with a copy of the cover letter of instructions.

With regard to item (3) above, applicant has provided the requisite petition fee.

With regard to item (4) above, the petition states the last known address of the nonsigning inventor.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.47(a) is 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. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed 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.

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MAILED
DEC 17 2010
PCT LEGAL ADMINISTRATION

In re Application of PFAU et al	:	
U.S. Application No.: 12/377,448	:	
PCT Application No.: PCT/US2007/018932	:	
Int. Filing Date: 28 August 2007	:	
Priority Date Claimed: 28 August 2006	:	DECISION
Attorney Docket No.: 16240.M335	:	
For: METHOD OF SEALING A POROUS	:	
FIBROUS SUBSTRATE, AND DOOR	:	
SKINS, PRODUCED BY THE METHOD	:	

This is in response to applicant's renewed petition under 37 CFR 1.47(a) filed on 08 December 2010.

BACKGROUND

On 28 August 2007, applicant filed international application PCT/US2007/018932, which claimed priority of an earlier United States application filed 28 August 2006. The thirty-month period for paying the basic national fee in the United States expired on 02 March 2009.

On 13 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 24 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 10 August 2010, applicant filed a petition under 37 CFR 1.47(a).

On 08 October 2010, this Office mailed a decision dismissing the 10 August 2010 petition.

On 08 December 2010, applicant filed the instant renewed petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2) factual proof that the missing joint inventors refuse to join in the application or cannot be reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

Petitioner previously satisfied items (1), (3), and (4) above.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made. . . . The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts. It is important that the statement contain facts as opposed to conclusions.
>
> * * *
>
> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. . . . It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).
>
> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

The petition states that joint inventor Steven Hart cannot be found. Although the petition illustrates that efforts were made to reach Mr. Hart, it would not be reasonable to conclude at the present time that Mr. Hart cannot be located. Specifically, petitioner has presented evidence of multiple attempts to reach Mr. Hart by electronic mail, by postal mail, by telephone, and by contacting Mr. Hart's co-worker (see affidavit of David Taylor, ¶¶4,5,8,9). However, there is no indication (e.g. bounced electronic mail, postal mail returned as undeliverable, or telephone message indicating that the number had been changed/disconnected) that Mr. Hart has either moved or changed his contact information. Rather, Mr. Hart's lack of response suggests that he is refusing to cooperate or else is away or incapacitated, not that he cannot be found.

Petitioner has not alleged that Mr. Hart refuses to sign. Adequate evidence of a refusal to sign, if later alleged, would include proof of receipt by Mr. Hart of a complete copy of the application papers (including specification, claims, drawings, and oath/declaration) together with a copy of the cover letter of instructions.

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.47(a) 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. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed 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.

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MAY 25 2011
PCT LEGAL ADMINISTRATION

In re Application of PFAU et al :
U.S. Application No.: 12/377,448 :
PCT Application No.: PCT/US2007/018932 :
Int. Filing Date: 28 August 2007 :
Priority Date Claimed: 28 August 2006 : DECISION
Attorney Docket No.: 16240.M335 :
For: METHOD OF SEALING A POROUS :
FIBROUS SUBSTRATE, AND DOOR :
SKINS, PRODUCED BY THE METHOD :

This is in response to applicant's renewed petition under 37 CFR 1.47(a) filed on 07 March 2011.

BACKGROUND

On 28 August 2007, applicant filed international application PCT/US2007/018932, which claimed priority of an earlier United States application filed 28 August 2006. The thirty-month period for paying the basic national fee in the United States expired on 02 March 2009.

On 13 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 24 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 10 August 2010, applicant filed a petition under 37 CFR 1.47(a).

On 08 October 2010, this Office mailed a decision dismissing the 10 August 2010 petition.

On 08 December 2010, applicant filed a renewed petition under 37 CFR 1.47(a).

On 17 December 2010, this Office mailed a decision dismissing the 08 December 2010 petition.

On 07 March 2011, applicant filed the instant renewed petition under 37 CFR 1.47(a).

DISCUSSION

The submission of a declaration executed by a previously nonsigning inventor is a proper response to the decision mailed 17 December 2010.

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.47(a) is DISMISSED AS MOOT.

The application has an International Filing Date under 35 U.S.C. 363 of 28 August 2007, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 07 March 2011.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

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607 Fourteenth Street, NW
Washington, DC 20005-2003

MAILED
OCT 28 2010
PCT LEGAL ADMINISTRATION

In re Application of
KUNGL *et al*
U.S. Application No.: 12/377,465
PCT No.: PCT/EP2007/007497
Int. Filing Date: 28 August 2007
Priority Date: 29 August 2006
Attorney Docket No.: 71808-8002.US00
For: USE OF MODIFIED INTERLEUKIN-8 PROTEINS

DECISION

This decision is in response to the petition under 37 CFR 1.182 filed 31 August 2010.

BACKGROUND

On 13 February 2009, applicants filed papers to enter the national stage of PCT/US2007/007497 using the USPTO EFS-Web system. As such, the application was processed as the national stage of PCT/US2007/007497. However, all other papers filed on 13 February 2009 listed the international application as PCT/EP2007/007497.

On 03 June 2010, a request to withdraw as attorney of record was filed.

On 29 July 2010, a decision dismissing applicants' request to withdraw was mailed as the attorney was not authorized to withdraw as attorney, or change the correspondence address. A communication was also mailed requesting clarification on the proper PCT number.

On 31 August 2010, applicants filed the subject petition which was accompanied by, *inter alia*, a $400.00 petition fee and a preliminary amendment.

On 07 October 2010, an executed declaration and $65.00 surcharge fee was filed.

DISCUSSION

Applicants' petition to correct the PCT number in the above-captioned national stage application to PCT/EP2007/007497 pursuant to 37 CFR 1.182 . The $400.00

petition fee has been paid.

A review of the above-captioned application file verifies that the wrong PCT number was designated when filing the application electronically using the USPTO EFS-Web. The transmittal letter, ADS, declaration, international papers and a preliminary amendment filed 13 February 2009 listed the international application number as PCT/EP2007/007497. WIPO records show that the title, international filing date, priority date and applicants correspond to PCT/EP2007/007497.

Thus, it is clear that the subject application was intended to be filed as the national stage of PCT/EP2007/007497 but for a typographical mistake upon filing.

CONCLUSION

Applicants' petition under 37 CFR 1.182 is **GRANTED**.

USPTO records have been changed to reflect that the above-captioned application is the national stage of PCT/EP2007/007497.

The correspondence address has been changed to the practitioners associated with Customer Number 90619.

However, the declaration filed 07 October 2010 is not acceptable as it is considered a composite declaration.

Applicants submitted a declaration consisting of one Page 1 of 3, one Page 2 of 3, and two Page 3 of 3. This is not acceptable. Applicants must submit a complete copy of each declaration signed by each inventor and each declaration must identify the correct inventive entity.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for further processing including mailing 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) requesting a declaration in compliance with 37 CFR 1.497(a) and (b).

James Thomson

James Thomson
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PCT LEGAL ADMINISTRATION

DeMont & Breyer, LLC
100 Commons Way, Ste. 250
Holmdel NJ 07733

In re Application of	:	DECISION
RUECKERT et al.	:	
Application No.: 12/377,549	:	
PCT No.: PCT/EP2007/007289	:	
Int. Filing Date: 17 August 2007	:	
Priority Date: 17 August 2006	:	
Attorney Docket No.: 9771-154US	:	
For: IMAGE-PROCESSING DEVICE . . .	:	
COLOR IMAGE DATA	:	

This decision is in response to applicants' petition under 37 CFR 1.48 filed on 14 July 2009, which has properly been treated as a petition under 37 CFR 1.497(d).

BACKGROUND

On 17 August 2007, applicants filed international application PCT/EP2007/007289, which designated the United States and claimed a priority date of 17 August 2006. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 21 February 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 17 February 2009.

On 13 February 2009, applicants filed a transmittal letter for entry in to the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee and an unexecuted declaration of inventors.

On 14 July 2009, applicants filed a petition under 37 CFR 1.497(d) which was accompanied by, *inter alia*, a statement from Joachim IHLEFELD and a declaration of inventors.

On 03 September 2010, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that a declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required because the declaration of inventors filed 13 February 2009 was not executed.

On 28 September 2010, applicants filed, *inter alia*, a copy of the declaration of inventors filed 14 July 2009.

DISCUSSION

NOTIFICATION OF MISSING REQUIREMENTS

As noted above, a declaration of inventors was filed 14 July 2009. The NOTIFICATION OF MISSING REQUIREMENTS issued 03 September 2010 inadvertently overlooked this declaration. Accordingly, the portion of that Notification requiring a declaration in compliance with 37 CFR 1.497(a)-(b) is hereby VACATED.

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 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 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. Item (4) is not required.

Item (3) has not been satisfied. A written consent of the purported assignee has been provided. However, a proper showing under 37 CFR 3.73(b) is also required if an assignment has been executed. See MPEP § 324. Such a showing has not been made.

CONCLUSION

The request under 37 CFR 1.497(d) is **DISMISSED** without prejudice for the reasons set forth above.

The portion of the NOTIFICATION OF MISSING REQUIREMENTS issued 03 September 2010 requiring a declaration in compliance with 37 CFR 1.497(a)-(b) is VACATED for the reasons set forth above.

If reconsideration on the merits of this petition is desired, a proper reply must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.497(d)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper reply will result in abandonment of the application.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

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FEB 15 2011

PCT LEGAL ADMINISTRATION

DeMont & Breyer, LLC
100 Commons Way, Ste. 250
Holmdel NJ 07733

In re Application of	:	DECISION
RUECKERT et al.	:	
Application No.: 12/377,549	:	
PCT No.: PCT/EP2007/007289	:	
Int. Filing Date: 17 August 2007	:	
Priority Date: 17 August 2006	:	
Attorney Docket No.: 9771-154US	:	
For: IMAGE-PROCESSING DEVICE . . .	:	
COLOR IMAGE DATA	:	

This decision is in response to applicants' renewed petition under 37 CFR 1.497(d) filed on 13 January 2011.

BACKGROUND

On 17 August 2007, applicants filed international application PCT/EP2007/007289, which designated the United States and claimed a priority date of 17 August 2006. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 21 February 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 17 February 2009.

On 13 February 2009, applicants filed a transmittal letter for entry in to the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee and an unexecuted declaration of inventors.

On 14 July 2009, applicants filed a petition under 37 CFR 1.497(d) which was accompanied by, *inter alia*, a statement from Joachim IHLEFELD and a declaration of inventors.

On 03 September 2010, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that a declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required because the declaration of inventors filed 13 February 2009 was not executed.

On 28 September 2010, applicants filed, *inter alia*, a copy of the declaration of inventors filed 14 July 2009.

On 18 November 2010, a decision was mailed vacating the NOTIFICATION OF MISSING REQUIREMENTS issued 03 September 2010. The decision also dismissed without prejudice applicants' petition under 37 CFR 1.497(d) because a proper showing under 37 CFR 3.73(b) had not been made.

On 13 January 2011, applicants filed the instant renewed petition under 37 CFR 1.497(d).

DISCUSSION

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 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 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.

As noted in the decision issued 18 November 2010, items (1) and (2) have been satisfied and item (4) is not required.

Item (3) has now been satisfied. The renewed petition includes a proper showing under 37 CFR 3.73(b).

Declaration of Inventors

The declaration of inventors filed 14 July 2009 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

The request under 37 CFR 1.497(d) 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 in accordance with this decision including processing the application in the name of Ingo RUECKERT, Oliver VIETZE, and Joachim IHLEFELD as inventors.

/Daniel Stemmer/

Daniel Stemmer
PCT Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

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	12377563
Filing Date	13-Feb-2009
First Named Inventor	Chul Am Kim
Art Unit	2873
Examiner Name	WILLIAM CHOI
Attorney Docket Number	SHI-174NP
Title	MICROCAPSULE PATTERNING 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	/Robert H. Berdo, Jr./
Name	Robert H. Berdo, Jr.
Registration Number	38075

UNITED STATES 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 22,2011

In re Application of :

Chul Am Kim

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12377563

Filed : 13-Feb-2009

Attorney Docket No : SHI-174NP

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed August 22,2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 2873 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

APR 16 2012

In re Application of: Svanberg et al. Application No.: 12/377595 371(c) date: October 29, 2010 Title: SYSTEM AND METHOD FOR CONTROLLING AND ADJUSTING INTERSTITIAL PHOTODYNAMIC LIGHT THERAPY PARAMETERS	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on November 11, 2011 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d). The petition to make the application special is **DENIED**.

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d), applications and petitions must be filed pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006, (71 Fed. Reg. 36323), effective August 25, 2006). The filing is missing, *inter alia*, a pre-examination search document, an Accelerated Examination Support Document, and form PTO/SB/28.

The petition appears on its face to have been filed without recognition of the August 25, 2006 policy change to the petition to make special program. The changes to the program are substantial; a copy of Federal Register of June 26, 2006 (71 Fed. Reg. 36323) can be reviewed at the following USPTO website:

http://www.uspto.gov/web/offices/com/sol/notices/71fr36323.pdf

The program is also detailed in the Manual of Patent Examination Procedure (MPEP), Section 708(a) Accelerated Examination. The MPEP can be viewed at the following USPTO website:

http://www.uspto.gov/web/offices/pac/mpep/mpep.htm

Notably, special status based upon categories such as manufacture, infringement, environmental quality, conservation of energy resources, recombinant DNA, superconductivity materials, HIV/AIDS and cancer, countering terrorism, and biotechnology applications filed by small entities are no longer available (see in above cited notice, p. 36324, col. 1, l. 47 to col. 2, l. 5). Further guidance may be found at http://www.uspto.gov/web/patents/accelerated under the accelerated examination link.

For the above-stated reasons, the petition is **DENIED**. The application will therefore be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to Linda Sholl, TC 3700 Special Program Examiner, at (571) 272-4391.

/Linda Sholl/
Linda Sholl
Special Program Examiner
Technology Center 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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LADAS & PARRY LLP
1040 AVENUE OF TRHE AMERICAS
NEW YORK, NY 10018-3738

MAILED
JUL 22 2011
OFFICE OF PETITIONS

Applicant: Kato, et al.
Appl. No.: 12/377,679
International Filing Date: August 13, 2007
Title: POLYCARBONATE RESIN AND OPTICAL FILM USING THE SAME
Attorney Docket No.: U017561-9
Pub. No.: US 2010/0196720 A1
Pub. Date: August 5, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on October 21, 2010, for the above-identified application

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error on the front page of the application wherein the name of the assignee is incorrect.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed **within two months** from the date of the patent application publication. **This period is not extendable.**" A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The request for corrected publication received on October 21, 2010, was not timely filed under 37 CFR 1.221(b).

The error on the front page of the published patent application wherein the assignee's name "MITSUBISHI GAS CHEMICAL COMPANY, INC." was incorrectly printed as "ABB TECHNOLOGY LTD." is not a material Office error under 37 CFR 1.221(b). The misprinting of the assignee's name does not affect the understanding of the application. 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

[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).

seek to enforce upon issuance of a patent. See MPEP 1130. Applicant should not file requests for corrected publication when a publication includes errors in the assignee's name or assignment information. See MPEP 1130.

On April 29, 2010, a Filing Receipt was mailed by the Office, which incorrectly listed the assignee's name. To avoid this type of problem in the future, applicant's representative should correct the error and make a request for a corrected filing receipt prior to export of the application to the publisher and publication of the application.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/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" and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Connolly Bove Lodge & Hutz, LLP
P.O. Box 2207
Wilmington, DE 19899

MAILED
28 JAN 2011
PCT LEGAL ADMINISTRATION

In re Application of :
LANG et al. :
U.S. Application No.: 12/377,712 :
PCT No.: PCT/EP2007/007337 :
Int. Filing Date: 20 August 2007 : DECISION ON PETITION
Priority Date: 18 August 2006 :
Attorney Docket No.: 13913-00002-US :
For: PROBIOTIC MICROORGANISMS FOR THE REDUCTION OF MANURE ODOR :

This decision is issued in response to applicants' "Petition under 37 CFR §1.182" filed 08 November 2010. Applicants are requesting to change the name of the second inventor from Stefanie Rittmann to Stefanie Arya due to marriage. The petition was accompanied by an affidavit signed by Stefanie Arya using both her former name and present name. The $400 petition fee under 37 CFR 1.17 has been submitted.

DISCUSSION

Section 605.04(b) of the Manual of Patent Examining Procedure states 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 35 U.S.C. 1.182 together with an appropriate petition fee.

Applicants are requesting to change the name of the second inventor from Stefanie Rittmann to Stefanie Arya. 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 certified copy of the court order."

Here, applicants' present petition included payment of the required petition fee. As for the affidavit requirement, applicants have submitted a "Statement of Name Change in Support of Petition under 37 CFR 1.182" regarding the name change. This affidavit states

that the inventor's surname was changed, and that her name was legally changed to Stefanie Arya as a result of marriage.

CONCLUSION

The petition under 37 CFR 1.182 to change the inventor's name from Stefanie Rittmann to Stefanie Arya 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
Telephone: 571-272-3298
Fax: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
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WASHINGTON DC 20001-4413

MAILED

JAN 18 2011

PCT LEGAL ADMINISTRATION

In re Application of OKUHARA (Deceased) Application No.: 12/377,763 PCT No.: PCT/JP07/65378 Int. Filing Date: 08 June 20079 Priority Date: 18 June 2006 Attorney Docket no.: 07481.0109-00000 For: METHOD OF TREATING BIOMASS, FUEL FOR FUEL CELL, GASOLINE, ...	:	DECISION ON REQUEST UNDER 37 CFR 1.42

This is a decision on applicant's renewed request under 37 CFR 1.42 along with an executed declaration filed in the United States Patent and Trademark Office (USPTO) on 11 June 2010.

BACKGROUND

On 17 February 2009, applicant filed a request for entry into the national stage in the United States of America under 35 U.S.C. § 371 with, *inter alia*, the requisite basic national fee. On 21 May 2009, applicant filed an declaration executed by the legal representative of the deceased inventor and by the joint inventors.

On 11 June 2010, applicant filed a renewed request under 37 CFR 1.42 along with a newly executed declaration.

DISCUSSION

To meet the requirements for compliance with 37 CFR 1.497(a) and (b), the declaration must state the relationship and the country of citizenship for all inventors, including the deceased inventor and his legal representative. In addition, the declaration must provide the residency and mailing address for all inventors, including the deceased inventor and the legal representative.

A review of the declaration submitted on 21 May 2009 reveals that it does not meet the requirements of 37 CFR 1.42.

The declaration submitted on 11 June 2010 identifies Shigeko OKUHARA as the legal representative of the deceased inventor Toshiaki OKUHARA and states the relationship, country of citizenship, residency and mailing address for the legal representative. The declaration meets the requirements for compliance with 37 CFR 1.497(a) and (b). Accordingly, it is appropriate, at this time, to accord the application status under 37 CFR 1.42.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **GRANTED.**

The declaration executed by the legal representative for deceased inventor submitted on 11 June 2010 is accepted as a proper declaration under 37 CFR 1.497(a) and (b) and 1.42. The application will be forwarded to the United States Designated/Elected Office for further processing.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: (571) 272-3286
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

MAILED

APR 20 2011

PCT LEGAL ADMINISTRATION

In re Application of	:
CANFER et al.	:
U.S. Application No.: 12/377,813	:
PCT Application No.: PCT/GB07/03113	: PETITION FOR REFUND
Int. Filing Date: 15 August 2007	:
Priority Date: 18 August 2006	:
Atty. Docket No.: 01-10-2011	:
For: ARMOUR	:

This is a decision on applicant's petition entitled "REQUEST FOR REFUND" filed on 04 January 2011 in the United States Patent and Trademark Office.

On 17 February 2009, applicant filed a transmittal letter to enter national stage along with the basic national fee in the amount of $330. On 05 May 2009, applicant paid the national search and examination fees and surcharge for filing the declaration after the thirty month period. On 04 January 2011, more than three months after paying these fees, applicant filed a request for refund of $490 for national fees processed on 18 February 2009 and 06 May 2009 along with a small entity statement.

A review of the finance records reveals that applicant paid the above referenced fees more than three months prior to filing the small entity statement. The small entity statement, filed on 04 January 2011, is deemed to meet the requirements of 37 CFR §1.27. However, pursuant to 37 CFR §1.28(a) and (b)[1], applicant's request for a refund was filed after the three month period, required by the rule, expired. Therefore, applicant's request must be dismissed.

---

[1] Refunds when small entity status is later established; how errors in small entity status are excused.
(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.
(b) *Date of payment.* (1) The three-month period for requesting a refund, pursuant to paragraph (a) of this section, starts on the date that a full fee has been paid; (2) The date when a deficiency payment is paid in full determines the amount of deficiency that is due, pursuant to paragraph (c) of this section.

For the reasons above, applicant's request for refund filed 04 January 20 11in the amount of $490 is **DISMISSED**.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration
Telephone: 571-272-3286

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MAR 29 2011

PCT LEGAL ADMINISTRATION

OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN , SUITE 3500
HOUSTON, TX 77010

In re Application of	:	
THIBERVILLE et al.	:	
Application No.: 12/377,819	:	DECISION
PCT No.: PCT/FR2007/001371	:	
Int. Filing Date: 16 August 2007	:	
Priority Date: 17 August 2006	:	
Attorney Docket No.: 17452/008001	:	
For: USE OF A SYSTEM . . . IN VIVO IN SITU	:	

This is a decision on applicants' petition under 37 CFR 1.47(a) filed 29 September 2010 in the United States Patent and Trademark Office (USPTO). The petition is **DISMISSED** without prejudice.

BACKGROUND

On 16 August 2007, applicants filed international application PCT/FR2007/001371, which designated the United States and claimed a priority date of 17 August 2006. A copy of the international application was communicated from the International Bureau to the USPTO on 21 February 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 17 February 2009.

On 17 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 01 April 2010, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 29 September 2010, applicants filed the instant petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a four-month extension of time, a declaration of inventors, a declaration of facts by Francois Lacombe with documentation in support thereof.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Items (1) and (3) have been satisfied.

Item (2) has not been satisfied. To establish a refusal to sign, it is required that the inventor be presented with the application papers (specification, including claims, drawings, and oath or declaration). See MPEP 409.03(d). "It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. *In re Gray*, 115 USPQ 80 (Comm'r Pat. 1956)." It does not appear that non-signing inventor Eric PELTIER was presented with a copy of the application papers. The declaration of facts by Francois Lacombe states that a package including a copy of the declaration was sent to Mr. Peltier in June 2010 (paragraph 7) and a second package was sent in August 2010 (paragraph 8). No mention is made of either package including the specification, claims, and drawings. Also, translations of the mail receipts have not been provided.

As to item (4), "[a]ll the available joint inventors must (1) make oath or declaration on their own behalf as required by 37 CFR 1.63 or 1.175 (see MPEP § 602, § 605.01, and § 1414) and (2) make oath or declaration on behalf of the nonsigning joint inventor as required by 37 CFR 1.64. 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 al the available joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated" (emphasis in orginal). MPEP § 409.03(a). Such a declaration has been provided. However, an additional declaration has been provided signed by one of the joint inventors (Veronique DENTAN) on behalf of Mr. PELTIER. Thus, it is not clear if the declaration signed by all of the joint inventors except Mr. PELTIER was signed by the joint inventors on their own behalf as well as on behalf of the nonsigning inventor. Clarification is required.

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. **Failure to timely file the**

proper response will result in abandonment of this application. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)". No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAILED

OCT 25 2011

PCT LEGAL ADMINISTRATION

OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON TX 77010

In re Application of	:	
THIBERVILLE et al.	:	
Application No.: 12/377,819	:	DECISION
PCT No.: PCT/FR2007/001371	:	
Int. Filing Date: 16 August 2007	:	
Priority Date: 17 August 2006	:	
Attorney Docket No.: 17452/008001	:	
For: USE OF A SYSTEM . . . IN VIVO IN SITU	:	

This is a decision on applicants' petition under 37 CFR 1.47(a) filed 29 August 2011 in the United States Patent and Trademark Office (USPTO). The petition is **GRANTED**.

BACKGROUND

On 16 August 2007, applicants filed international application PCT/FR2007/001371, which designated the United States and claimed a priority date of 17 August 2006. A copy of the international application was communicated from the International Bureau to the USPTO on 21 February 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 17 February 2009.

On 17 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 01 April 2010, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 29 September 2010, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a four-month extension of time, a declaration of inventors, and a declaration of facts by Francois Lacombe with documentation in support thereof.

On 29 March 2011, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.47(a).

On 29 August 2011, applicants filed the instant renewed petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a three-month extension of time and a second declaration of facts by Francois Lacombe 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 29 March 2011, items (1) and (3) have been met.

Item (2) has now been met. It has been established that non-signing inventor Eric PELTIER was presented with the application papers. Mr. PELTIER's conduct constitutes a refusal to sign. (The undersigned acknowledges the conversation referenced on page 2 of the renewed petition and agrees with petitioner's description of the conversation.)

Item (4) has now been satisfied as well. The decision issued 29 March 2011 stated

> As to item (4), "[a]ll the available joint inventors must (1) make oath or declaration on their own behalf as required by 37 CFR 1.63 or 1.175 (see MPEP § 602, § 605.01, and § 1414) and (2) make oath or declaration on behalf of the nonsigning joint inventor as required by 37 CFR 1.64. 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" (emphasis in orginal). MPEP § 409.03(a). Such a declaration has been provided. However, an additional declaration has been provided signed by one of the joint inventors (Veronique DENTAN) on behalf of Mr. PELTIER. Thus, it is not clear if the declaration signed by all of the joint inventors except Mr. PELTIER was signed by the joint inventors on their own behalf as well as on behalf of the nonsigning inventor. Clarification is required.

In the renewed petition, it is stated that "Applicants' hereby authorize the Examiner to disregard the previously submitted Declaration signed on behalf of Mr. Peltier." This statement has been construed as meaning that the declarations signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank should be treated as having been signed by all the available joint inventors on behalf of the nonsigning inventor(s). If this interpretation

is incorrect, applicants must *immediately* notify the Office of PCT Legal Administration of such fact.

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 **29 September 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
www.uspto.gov

MAILED

OCT 25 2011

PCT LEGAL ADMINISTRATION

Mr. Eric Peltier
161 bis avenue Jean Jaures
F-92140 Clamart
FRANCE

In re Application of
THIBERVILLE et al.
Application No.: 12/377,819
PCT No.: PCT/FR2007/001371
Int. Filing Date: 16 August 2007
Priority Date: 17 August 2006
Attorney Docket No.: 17452/008001
For: USE OF A SYSTEM FOR IMAGING BY FIBER-OPTIC CONFOCAL FLUORESCENCE IN VIVO IN SITU, SYSTEM AND METHOD FOR IMAGING BY FIBER-OPTIC CONFOCAL FLUORESCENCE IN VIVO IN SITU

Dear Mr. Peltier:

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

OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON TX 77010

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

JACKSON WALKER LLP
901 MAIN STREET
SUITE 6000
DALLAS TX 75202-3797

MAILED

NOV 01 2011

OFFICE OF PETITIONS

Applicants: Maurice C. Kemp, et al.
Appl. No.: 12/377,883
International Filing Date: August 29, 2007
Title: QUATERNARY AMMONIUM SALTS AS MICROBE INHIBITORS
Attorney Docket: MORN-0033 (108347.124)
Pub. No.: US 20100297207
Pub. Date: November 25, 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 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 the Karen Creasy at (571) 272-3208.

/Christopher Bottorff/

Christopher Bottorff
Patent Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED
SEP 28 2011
OFFICE OF PETITIONS

Paper No.

NOVARTIS
CORPORATE INTELLECTUAL PROPERTY
ONE HEALTH PLAZA 101/2
EAST HANOVER NJ 07936-1080

In re Application of	:	
Kavimandan et al.	:	
Application No. 12/377,949	:	DECISION ON PETITION
Filed: February 18, 2009	:	PURSUANT TO
Attorney Docket No. 50383-US-PCT	:	37 C.F.R. § 1.137(B)
Title: EXTENDED RELEASE GASTRO-RETENTIVE ORAL DRUG DELIVERY SYSTEM FOR VALSARTAN	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed August 9, 2011, to revive the above-identified application.

This petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to a non-final Office action, mailed February 2, 2011, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on May 3, 2011. A notice of abandonment was mailed on August 11, 2011, subsequent to the filing of this petition.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in 37 C.F.R.

§ 1.17(m);

(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;

(4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

37 C.F.R. § 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 C.F.R. § 1.137(b) was unintentional. Since the statement contained in this petition varies from the language required by 37 C.F.R. § 1.137(b)(3), the statement contained in this petition is being construed as the statement required by 37 C.F.R. § 1.137(b)(3) and Petitioner must notify the Office if this is not a correct interpretation of the statement contained in this petition.

With this petition, Petitioner has submitted an amendment, the petition fee, and a statement that is being construed as 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]

Petitioner has also submitted a three-month extension of time. An extension of time under 37 C.F.R. § 1.136 must be filed prior to the expiration of the maximum extendable period for reply.[2] Accordingly, since the $1110 extension of time submitted with the petition on August 9, 2011 was filed subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to Deposit Account No. 19-0134 in due course.

The Technology Center will be notified of this decision, and jurisdiction over this application is transferred to the Technology Center, so that the application may receive further processing. The Technology Center's support staff will notify the Examiner of this decision, so that the amendment that was received on August 9, 2011 can be processed in due course.

---

1 See Rule 1.137(d).
2 See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988).

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.[3] All other inquiries concerning this application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

3 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

Confirm. No. 1010
930092-2053

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	:	David EGAN
Serial No.	:	12/377,960 (U.S. Patent Application Publication 2010-0062253-A1)
Filing Date	:	August 21, 2009
For	:	DUAL STAGE PROCESS FOR THE RAPID FORMATION OF PELLETS
Examiner	:	Katarzyna I Wyrozebiski Lee
Art Unit	:	1746
Conf. No.	:	1010

745 Fifth Avenue
New York, NY 10151

Filed via EFS-Web
March 6, 2012

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. 1.102(d)

(REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO)

Mail Stop: **Petitions**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Petition requests entry of the Amendment which is being file concurrently with this Petition. The Commissioner is hereby authorized to charge any additional fee which may be required, or credit any overpayment to Account No. 50-0320.

01061122

REMARKS

The applicants request consideration and granting of this petition for the purpose of expediting prosecution for this application. As of this date, no substantive action has been issued by the Examiner for this application.

CONCLUSION

In view of these remarks and amendments, the application is believed to be in condition for allowance. Favorable reconsideration of the application and prompt issuance of a Notice of Allowance are solicited. The Examiner is invited to call the undersigned to advance prosecution. The Commissioner is authorized to charge any fee occasioned by this paper, or credit any overpayment of such fees, to Deposit Account No. 50-0320.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By: _____

Ronald R. Santucci
Reg. No. 28,988
Telephone: (212) 588-0800
Facsimile: (212) 588-0500

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2015. 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.:	12/377,960	First Named Inventor:	David Egan
Filing Date:	August 21, 2009	Attorney Docket No.:	930092-2053
Title of the Invention:	Dual Stage Process for the Rapid Formation of Pellets		

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 PILOT PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PILOT 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/IB2007/053204

The international filing date of the corresponding PCT application(s) is/are: August 13, 2007

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☑ is attached.

☐ is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s)**

☑ is attached.

☐ is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

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 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 February 18, 2009

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2015. OMB 0651-0058
U.S. Patent and Trademark Office; U.S DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	12/377,960	First Named Inventor:	David Egan

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT application	Explanation regarding the correspondence
1	1	Same claim
2	2	Same claim
3	3	Same claim, except that multiple dependency has been deleted from US claim
4	4	Same claim
5	5	Same claim, except that multiple dependency has been deleted from US claim
6	6	Same claim
7	7	Same claim, except that dependency has been clarified in US claim
8-18	8-18	Same claim
19-21	19-21	Same claim, except that multiple dependency has been clarified in US claim

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Date March 6, 2012
Name (Print/Typed) Ronald R. Santucci	Registration Number 28988

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44*bis*)

Applicant's or agent's file reference PA142054/PCT	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/IB2007/053204	International filing date *(day/month/year)* 13 August 2007 (13.08.2007)	Priority date *(day/month/year)* 11 August 2006 (11.08.2006)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant ELEMENT SIX LTD		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 *bis*.1(a).

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

   In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

☒	Box No. I	Basis of the report
☐	Box No. II	Priority
☐	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
☐	Box No. IV	Lack of unity of invention
☒	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
☐	Box No. VI	Certain documents cited
☐	Box No. VII	Certain defects in the international application
☒	Box No. VIII	Certain observations on the international application

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44*bis*.3(c) and 93*bis*.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44*bis* .2).

	Date of issuance of this report 17 February 2009 (17.02.2009)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Cecile Chatel e-mail: ro.ib@wipo.int

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/IB2007/053204	13.08.2007	11.08.2006

International Patent Classification (IPC) or both national classification and IPC
INV. C22B1/24 C22C26/00

Applicant
ELEMENT SIX LTD

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notifed the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:	Date of completion of this opinion	Authorized Officer
European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	see form PCT/ISA/210	ALVAZZI DELFRATE, M Telephone No. +49 89 2399-8444

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/IB2007/053204

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

   ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).

2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

   a. type of material:

   ☐ a sequence listing

   ☐ table(s) related to the sequence listing

   b. format of material:

   ☐ on paper

   ☐ in electronic form

   c. time of filing/furnishing:

   ☐ contained in the international application as filed.

   ☐ filed together with the international application in electronic form.

   ☐ furnished subsequently to this Authority for the purposes of search.

4. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	1-21
	No:	Claims	22
Inventive step (IS)	Yes:	Claims	1-21
	No:	Claims	22
Industrial applicability (IA)	Yes:	Claims	1-22
	No:	Claims	

2. Citations and explanations

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Cited documents

D1: US-A-3 316 073 (KELSO JOHN G) 25 April 1967 (1967-04-25)

D2: US-B1-6 238 280 (RITT WALTER [AT] ET AL) 29 May 2001 (2001-05-29)

1 Re point VIII

Claim 22, directed to a pellet produced "by a process as hereinbefore described" leaves completely unclear which process is actually intended and how said pellet looks like (cf. also Rule 6.2 PCT)

2 Re point V

2.1 Closest prior art for the process of claim 1 may be seen either in D1: US3316073 (Fig. 1), disclosing the production pellets with diamond core by the rotating pan method or in D2: US 6238280 (abstract), disclosing the production pellets with diamond core by the fluidised bed method.

The claimed process, which combines said two methods in successive steps is novel over said prior art and solves the problem of providing high production rates and quality (reduced agglomeration) in a way which is not suggested by the available prior art.

2.2 The pellets of claim 22, as far as the claim may be construed, are merely pellets with a coated core such as those known for instance from each of D1 and D2.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Copy of the claims which were identified as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application - PCT/IB2007/053204

1. A process for the formation of pellets containing a core coated with an encapsulating material, the process including the steps of:

- suspending core material in a flow of gas;
- contacting the core material with encapsulating material to form pellets,
- introducing the pellets into a rotating vessel,
- contacting the pellets with encapsulating material to form pellets of greater mass than the pellets introduced into the rotating vessel.

2. A process according to claim 1 wherein the rotating vessel is a pan or a drum.

3. A process according to either one of claims 1 and 2 wherein the core material is ultra hard core material.

4. A process according claim 3 wherein the ultra hard core material is selected from material comprising cubic boron nitride, diamond including natural and synthetic diamond, synthetic diamond including both High Pressure High Temperature (HPHT) and Chemical Vapour Deposition (CVD) synthetic diamond, and coated or cladded diamond, boron carbide, boron suboxide or combinations thereof.

5. A process according to any previous claim wherein the core material is suspended in a chamber or work vessel which is a fluidised bed granulating/encapsulating apparatus.

6. A process according to claim 5 wherein the work vessel is a fluidised bed granulating/encapsulating apparatus of the type having a material work area, a rotatable plate disposed immediately beneath the work area and means for conveying a gaseous fluid through

the work area for fluidised circulation of charge material therewithin, the granulating apparatus being operated to generally individually fluidise the core material within the work area.

7. A process according to any previous claim wherein the encapsulating material is comprised of metal and/or ceramic powder, binder and/or solvent.

8. A process according to claim 7 wherein the metal and/or ceramic powder is cobalt, copper, iron, bronze, tungsten carbide, nickel, tungsten metal, molybdenum, zinc, brass, silver, or a mixture of two or more thereof.

9. A process according to claim 7 wherein a particle size of the metal and/or ceramic powder is greater than approximately 0.1 micrometers.

10. A process according to claim 7 wherein a particle size of the metal and/or ceramic powder is less than approximately 300 micrometers.

11. A process according to claim 7 wherein the binder is selected from polyethylene glycol, liquid paraffin, glycerol, shelac, polyvinyl alcohol (PVA), polyvinyl butyral(PVB), cellulose and/or stearic acid.

12. A process according to claim 7 wherein the solvent is water and/or an organic solvent.

13. A process according to claim 12 wherein the solvent is ethyl alcohol and/or trichloro-ethylene or isopropyl alcohol (IPA).

14. A process according to claim 7 wherein the metal and/or ceramic powder comprises no greater than approximately 80% by weight of a slurry.

15. A process according to claim 14 wherein the binder comprises no greater than approximately 30% of the weight of the metal and/or ceramic powder in the slurry.

16. A process according to claim 7 wherein a hard phase is added to the metal powder.

17. A process according to claim 16 wherein the hard phase is selected from tungsten carbide (WC), particles of WC-cobalt cermet or a conventional ceramic hard phase such as silicon carbide (SiC), silicon nitride (SiN), alumina (Al_2O_3) or mixture of any of these.

18. A process according to claim 16 wherein the size of the hard phase ranges from 0.1 microns to 500 microns.

19. A process according to any previous claim wherein spraying of the encapsulating material is continued for a sufficient time to build the coating on each core to achieve a predetermined critical size (Vcrit) wherein an average diametric dimension of each pellet may range up to, but no greater than, approximately 5 times the average diametric dimension of the ultra hard cores.

20. A process according to any previous claim wherein the pellets are introduced into a rotating pan, where the pellet can be built further up by:

- spraying a slurry containing metal and/or ceramic powder, binder and solvent (encapsulating material) over the rotating diamond seeds; and/or
- the binder and solvent is/are sprayed separately and the metal and/or ceramic powder then "sprinkled" over the rotating diamond seeds.

21. A process according to any previous claim wherein the diameter of the pellets increases by at least 10 microns per hour.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED
MAR 26 2012
OFFICE OF PETITIONS

FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK NY 10151

In re Application of
David Egan et al.
Application No.: 12/377,960
Filed: October 21, 2009
Atty. Docket No.: 930092-2053
For: Dual Stage Process For The Rapid Formation of Pellets

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on March 6, 2012, 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 Australia, Austria, JPO, EPO, KIPO, IPAU, SIPO, NPI, Russia, Spain, Finland, 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.

(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.

(8) Applicant is required to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.

The request to participate in the PPH pilot program and petition fail to meet requirement of condition (2).

Regarding the requirement of condition (2), observations as noted in Box VIII of the written opinion were not explained.

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 Kimberly Inabinet at 571-272-4618.

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.

Thurman Page
Petitions Examiner
Office of Petitions

Confirm. No. 1010
930092-2053

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	:	David EGAN
Serial No.	:	12/377,960 (U.S. Patent Application Publication 2010-0062253-A1)
Filing Date	:	August 21, 2009
For	:	DUAL STAGE PROCESS FOR THE RAPID FORMATION OF PELLETS
Examiner	:	Katarzyna I Wyrozebiski Lee
Art Unit	:	1746
Conf. No.	:	1010

745 Fifth Avenue
New York, NY 10151

Filed via EFS-Web
April 4, 2012

RESPONSE TO DECISION TO DISMISS PETITION TO MAKE SPECIAL UNDER 37 C.F.R. 1.102(d)

(REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO)

Mail Stop: **Petitions**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants respectfully request that the Decision to dismiss their Request to Participate in the Patent Prosecution Highway Program and Petition to Make Special Under 37 CFR 1.102(a) be re-evaluated. The Decision to dismiss was mailed March 26, 2012 and the non-extendible date for responding to the Decision is April 26, 2012. The Commissioner is hereby authorized to charge any additional fee which may be required, or credit any overpayment to Account No. 50-0320.

REMARKS

The Decision to dismiss the request indicated that Item (2) was not addressed. Applicants had enclosed a copy of the International Preliminary Report on Patentability with the Request to Participate in the Patent Prosecution Highway. The IPRP indicated that claims 1-21 were found to be novel and have inventive step. Claims 1-22 were indicated to have industrial applicability. Box VIII of the IPRP indicated that claim 22 was unclear. In the preliminary amendment filed with the Request to Participate in the Patent Prosecution Highway, claim 22 was cancelled and therefore the remaining claims 1-21 are free of any observations made in Box VII of the IPRP and claims 1-21 are considered novel, contain inventive step and have industrial applicability.

CONCLUSION

In view of these remarks and amendments, the application is believed to be in condition for allowance. Favorable reconsideration of the application and prompt issuance of a Notice of Allowance are solicited. The Examiner is invited to call the undersigned to advance prosecution. The Commissioner is authorized to charge any fee occasioned by this paper, or credit any overpayment of such fees, to Deposit Account No. 50-0320.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By: _____
Ronald R. Santucci
Reg. No. 28,988
Telephone: (212) 588-0800
Facsimile: (212) 588-0500

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FROMMER LAWRENCE & HAUG LL

2012 MAR 30 A 6: 28

MAILED

MAR 26 2012

OFFICE OF PETITIONS

FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK NY 10151

DOCKETED

In re Application of
David Egan et al.
Application No.: 12/377,960
Filed: October 21, 2009
Atty. Docket No.: 930092-2053
For: Dual Stage Process For The Rapid Formation of Pellets

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on March 6, 2012, 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 Australia, Austria, JPO, EPO, KIPO, IPAU, SIPO, NPI, Russia, Spain, Finland, 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.

(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.

(8) Applicant is required to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.

The request to participate in the PPH pilot program and petition fail to meet requirement of condition (2).

Regarding the requirement of condition (2), observations as noted in Box VIII of the written opinion were not explained.

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 Kimberly Inabinet at 571-272-4618.

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.

Thurman K Page

Thurman Page
Petitions Examiner
Office of Petitions

26 AUG 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Diederiks & Whitelaw, PLC
13885 Hedgewood Dr., Suite 317
Woodbridge, VA 22193

In re Application of:
KUFTINEC et al.
Application No.: 12/377,982
PCT No.: PCT/HR2007/000025
Int. Filing Date: 24 August 2007
Priority Date: 30 August 2006
Attorney Docket No.: BLG029US
For: PROCESS FOR PRODUCING FATTY ACID ESTERS AND FUELS COMPRISING FATTY ACID ESTERS

DECISION ON PAPERS UNDER 37 CFR 1.42

This decision is issued in response to the declaration filed 17 August 2010, which is being treated as a request under 37 CFR 1.42. No petition fee is required.

BACKGROUND

On 24 August 2007, applicant filed international application PCT/HR2007/000025, which claimed a priority date of 30 August 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, 20 February 2009.

On 18 February 2009, applicant filed a transmittal letter for entry into the national stage in the United States accompanied, inter alia, by: the basic national fee; a copy of the international application; a preliminary amendment; and an application data sheet.

On 04 August 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 in compliance with 37 CFR 1.497 and the surcharge fee required under 37 CFR 1.492(e). The notification set a two-month time limit in which to respond.

On 17 August 2010, applicant filed an executed declaration and power of attorney.

DISCUSSION

35 USC 117 *Death or Incapacity of Inventor*, states:

> Legal representatives of deceased inventors and of those under legal incapacity may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to the inventor.

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

The declaration filed on 17 August 2010 is executed by Kata Blazevic as the "legal representative" of the deceased inventor, Nikola Blazevic. The declaration submitted appears to have been executed by the proper party under 37 CFR 1.42, however, the declaration does not satisfy the requirements under 37 CFR 1.497(b)(2).

37 CFR 1.497(b)(2) states the following:

> (2) If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or § 1.47) the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person signing is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

Pursuant to 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 17 August 2010 provides the citizenship for only one individual and it is unclear whether this information is for the legal representative or the deceased inventor. Accordingly, the declaration is not in compliance with 37 CFR 1.42 and 37 CFR 1.497(b)(2).

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **REFUSED**.

Applicant is required to provide an oath/declaration in compliance with 37 CFR 1.497(a)-(b) within **TWO (2) MONTHS** from the mail date of this Decision. Failure to respond will result in the abandonment of the application. Any reconsideration request should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42."

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED
OCT 29 2010
PCT LEGAL ADMINISTRATION

Diederiks & Whitelaw, PLC
13885 Hedgewood Dr., Suite 317
Woodbridge, VA 22193

In re Application of:
KUFTINEC et al. :
Application No.: 12/377,982 :
PCT No.: PCT/HR2007/000025 :
Int. Filing Date: 24 August 2007 :
Priority Date: 30 August 2006 :
Attorney Docket No.: BLG029US :
For: PROCESS FOR PRODUCING FATTY ACID ESTERS AND FUELS COMPRISING FATTY ACID ESTERS :

DECISION ON PAPERS UNDER 37 CFR 1.42

In a decision mailed by this Office on 26 August 2010, the declaration filed by applicant on behalf of deceased inventor Nikola Blazevic was dismissed for failure to include all the information required under 37 CFR 1.497.

On 22 October 2010, applicant filed a response to the previous communication that was accompanied by a revised declaration. The declaration submitted on 22 October 2010 identifies the deceased inventor and states the deceased inventor's country of citizenship and residence, is signed by Kata Blazevic as "Legal Representative," states his/her relationship to the deceased (i.e., Legal Representative), and provides the Legal Representative's country of citizenship and residency. Accordingly, the declaration complies with the requirements of 37 CFR 1.497(b)(2) and 37 CFR 1.42.

The request for status under 37 CFR 1.42 is **GRANTED**.

The application will be forwarded 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JUNEAU PARTNERS
333 N Fairfax St.
Suite 305
ALEXANDRIA VA 22314

MAILED

AUG 09 2011

OFFICE OF PETITIONS

In re Application of	:	
Ruchit Kumar Regmi	:	DECISION ON PETITION
Application No. 12/378,025	:	TO WITHDRAW
Filed: June 7, 2010	:	FROM RECORD
Attorney Docket No. **W-01176 CIP IONIC**	:	

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed July 20, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond , pursuant to 37 CFR 10.40.

The request was signed by Todd L. Juneau on behalf of all attorneys of record who are associated with Customer Number 50438.

All attorneys/agents associated with Customer Number 50438 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 Ruchit Kumaar Regmi at the address indicated below.

There is an outstanding Office action mailed April 14, 2011, that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Ruchit Kumar Regmi
P.O. Box #23890
Kathmandu, Nepal

UNITED STATES PATENT AND TRADEMARK 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
12/378,025	01/06/2009	Ruchit Kumar Regmi	

CONFIRMATION NO. 8105

POWER OF ATTORNEY NOTICE

OC000000049208944

50438
JUNEAU PARTNERS
333 N Fairfax St.
Suite 305
ALEXANDRIA, VA 22314

Date Mailed: 08/09/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/20/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/jlburke/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES 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 15 2011
OFFICE OF PETITIONS

JUNEAU PARTNERS
333 N. FAIRFAX STREET
SUITE 305
ALEXANDRIA, VA 22314

In re Application of	:	
Ruchit Kumar Regmi	:	
Application No. 12/378,026	:	DECISION ON PETITION
Filed: January 6, 2009	:	TO WITHDRAW
	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 20, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Todd Juneau on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Ruchit Kumar Regmi at the address indicated below.

There is an outstanding Office action mailed April 29, 2011 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Ruchit Kumar Regmi**
P.O. Box 23890
Kathmandu, Nepal

UNITED STATES PATENT AND TRADEMARK 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
12/378,026	01/06/2009	Ruchit Kumar Regmi	

CONFIRMATION NO. 5036

POWER OF ATTORNEY NOTICE

OC000000049285040

50438
JUNEAU PARTNERS
333 N Fairfax St.
Suite 305
ALEXANDRIA, VA 22314

Date Mailed: 08/12/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/20/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tsjohnson/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

OCT 26 2010

OFFICE OF PETITIONS

CARR & FERRELL LLP
120 CONSTITUTION DRIVE
MENLO PARK CA 94025

In re Application of	:	
Doug ANDERSON, et al	:	
Application No. 12/378,029	:	DECISION ON PETITION
Filed: February 9, 2009	:	TO WITHDRAW
Attorney Docket No. PA4818US	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 1, 2010.

The request is **NOT APPROVED.**

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the correspondence address provided for future communications from the Office is not proper since the assignee indicated has not been 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-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/DCG/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

Cc: VITAMIN D VIDEO, LLC
890 COLEMAN AVENUE
MENLO PARK CA 94025

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CARR & FERRELL LLP
120 CONSTITUTION DRIVE
MENLO PARK CA 94025

MAILED

OCT 20 2010

OFFICE OF PETITIONS

In re Application of	:	
Anderson et al.	:	DECISION ON PETITION
Application No. 12/378,030	:	TO WITHDRAW
Filed: February 9, 2009	:	FROM RECORD
Attorney Docket No. PA4817US	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 1, 2010.

The request is **NOT APPROVED**.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> ***An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.***

Therefore, as there is currently no Statement under 37 CFR 3.73(b) of record in the instant application, the Office cannot change the correspondence address to the address on the Request to Withdraw.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DAVID G. HENRY
PATTON BOGGS LLP
2001 ROSS AVENUE
SUITE 3000
DALLAS TX 75021

MAILED
OCT 06 2010
OFFICE OF PETITIONS

In re Application of John K. Murray Application No. 12/378,053 Filed: February 11, 2009 Title: Intravenous Laser/Non-Laser Light Emitting Diode Implant For Destroying Blood Borne Viral Infestations And Other Malign Cells, Integrated Among Blood Components In A Human Circulatory System	: : : : :	DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 9, 2010.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by David G. Henry on behalf of all attorneys of record, but does not include a Customer Number. Accordingly, since the practitioners were appointed by a Customer Number, the Request must reflect withdrawal of practitioners associated with the same Customer Number.

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. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/378,089	02/11/2009	Borden H. Mills III	95090DPS	5154

1333 7590 03/29/2012
EASTMAN KODAK COMPANY
PATENT LEGAL STAFF
343 STATE STREET
ROCHESTER, NY 14650-2201

EXAMINER
BRASE, SANDRA L

ART UNIT	PAPER NUMBER
2852	

MAIL DATE	DELIVERY MODE
03/29/2012	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

March 29, 2012

EASTMAN KODAK COMPANY
PATENT LEGAL STAFF
343 STATE STREET
ROCHESTER NY 14650-2201

In re Application of	:	
MILLS, BORDEN H. et al	:	**DECISION ON PETITION**
Application No. 12/378,089	:	
Filed: 02/11/2009	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. 95090DPS	:	***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) February 11, 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, (One (1) set for EFW filings, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

   "The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was accompanied by all of the requirements above. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Diane Terry/
Quality Control Specialist
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/378,089	02/11/2009	Borden H. Mills III	95090DPS	5154

1333 7590 04/06/2012
EASTMAN KODAK COMPANY
PATENT LEGAL STAFF
343 STATE STREET
ROCHESTER, NY 14650-2201

EXAMINER
BRASE, SANDRA L

ART UNIT	PAPER NUMBER
2852	

MAIL DATE	DELIVERY MODE
04/06/2012	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

April 5, 2012

EASTMAN KODAK COMPANY
PATENT LEGAL STAFF
343 STATE STREET
ROCHESTER NY 14650-2201

In re Application of	:	
MILLS, BORDEN H. et al	:	**DECISION ON PETITION**
Application No. 12/378,089	:	
Filed: 02/11/2009	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. 95090DPS	:	***DRAWINGS***

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) March 13, 2012..

The petition is **GRANTED.**

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, (One (1) set for EFW filings, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

   "The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was accompanied by all of the requirements above. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Diane Terry/
Quality Control Specialist
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/378,145	02/11/2009	John L. Hryhorenko	95485DPS	8552

7590 03/15/2011

Andrew J. Anderson
Patent Legal Staff
Eastman Kodak Company
343 State Street
Rochester, NY 14650-2201

EXAMINER
TRAN, HOAN H

ART UNIT	PAPER NUMBER
2884	

MAIL DATE	DELIVERY MODE
03/15/2011	PAPER

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management

FORM PTOM327-5 (Rev. 02/08)

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

March 15, 2011

Andrew J. Anderson
Patent Legal Staff
Eastman Kodak Company
343 State Street
Rochester NY 14650-2201

In re Application of	:	
Hryhorenko, John L. et al	:	**DECISION ON PETITION**
Application No. 12/378,145	:	
Filed: 02/11/2009	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. 95485DPS	:	***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) February 11, 2009.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Diane Terry/
Quality Control Specialist
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JAMES C. WRAY
1493 CHAIN BRIDGE ROAD
SUITE 300
MCLEAN VA 22101

MAILED
SEP 27 2011
OFFICE OF PETITIONS

In re Application of	:	
Samir S. Shiban	:	
Application No. 12/378,158	:	DECISION ON PETITION
Filed: February 11, 2009	:	UNDER 37 CFR 1.137(b)
Attorney Docket No.	:	

This is a decision on the petition, filed August 8, 2011, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on January 31, 2011, February 15, 201 and March 22, 2011. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 22(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

(1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
(2) the petition fee as set forth in 37 CFR 1.17(m); and
(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which set forth the projected publication date of August 11, 2011 was previously mailed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being forwarded to Files Respository.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 12/29/11

TO SPE OF : ART UNIT 1623

SUBJECT : Request for Certificate of Correction for Appl. No.: 12378172 Patent No.: 8058247

CofC mailroom date: 12/12/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580
You can fax the Directors/SPE response to 571-273-3421

Note: **Should the changes in the claims be approved? YES!**

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

XX Approved — **All** changes apply.

☐ **Approved in Part** — Specify below which changes **do not** apply.

☐ **Denied** — State the reasons for denial below.

Comments: The C of C has been approved.

/S. A. Jiang/ — 1623

SPE — **Art Unit**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 12/29/11

TO SPE OF : ART UNIT 1623

SUBJECT : Request for Certificate of Correction for Appl. No.: 12378172 Patent No.: 8058247

CofC mailroom date: 12/12/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580
[redacted]

Note: **Should the changes in the claims be approved? YES!**

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

XX Approved — **All** changes apply.

☐ **Approved in Part** — Specify below which changes **do not** apply.

☐ **Denied** — State the reasons for denial below.

Comments: The C of C has been approved.

/S. A. Jiang/ — 1623

SPE — **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/378,203	02/11/2009	Jayesh P. Patel	103102-200	1274

27267 7590 01/27/2012
WIGGIN AND DANA LLP
ATTENTION: PATENT DOCKETING
ONE CENTURY TOWER, P.O. BOX 1832
NEW HAVEN, CT 06508-1832

EXAMINER
ANTHONY, JOSEPH DAVID

ART UNIT	PAPER NUMBER
1761	

MAIL DATE	DELIVERY MODE
01/27/2012	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

Mailed: 1/27/12

HP

In re Application of Jayesh P. Patel
Serial No.: 12/378,203
Filed: February 11, 2009

DECISION ON PETITION
UNDER *37 CFR §1.84(a)(2)*

Title: MICRONIZED COPPER-CONTAINING COMPOSITION
USEFUL TO MITIGATE RESIDUES ON WOOD SURFACES

This is a decision on the PETITION TO ACCEPT COLOR DRAWINGS filed February 11, 2009 to accept color drawings under 37 C.F.R. § 1.84(a)(2).

It is noted that the applicant has met the requirements of 37 C.F.R. § 1.84(a)(2) by (i) providing three (3) sets of color drawings; and; (ii) providing a Preliminary Amendment to the specification to include necessary wording regarding color drawings; and (iii) providing the processing fee set forth in 37 C.F.R. § 1.17(h).

The request is **GRANTED**.

The application file is being forwarded to the appropriate section of the Patent and Trademark Office for correction of the record.

/Harold Y. Pyon/

Harold Y. Pyon
Supervisory Patent Examiner
Art Unit 1761
Technology Center 1700

Wanli Wu
Wiggin & Dana
One Century Tower
New Haven, CT 06508

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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LAW OFFICES OF
MARK E. WIEMELT, P.C.
STE. 3300
10 S. LASALLE ST.,
CHICAGO IL 60603

MAILED

JAN 30 2012

OFFICE OF PETITIONS

In re Application of :
Corria de Castro, et al. :
Application No. 12/378,219 : DECISION
Filed/Deposited: 12 February, 2009 :
Attorney Docket No. RLK-Polisport-0209 :

This is a decision on the papers filed on 3 January, 2012, considered as a petition pursuant to 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

NOTE:

Petitioner will wish to file an updated/supplementary Application Data Sheet (ADS) to resolve incomplete information set forth as to inventor(s) residence city/nation in the oath/declaration, which the Office apparently did not find legible.

The following timetable of events is discussed below:

Petitioner failed to reply timely and properly to the non-final Office action mailed on 13 June, 2011, with reply due absent extension of time on or before 13 September, 2011.

The application went abandoned by operation of law after midnight 13 September, 2011.

The Office mailed the Notice of Abandonment on 19 December, 2011.

Also on Monday, 19 December, 2011, Petitioner filed (over a Tuesday, 13 December, 2011, certificate of mailing) from Chicago, IL, *inter alia*, a request and fee for extension of time and a reply in the form of an amendment.

On 3 January, 2012, Petitioner filed a petition pursuant to 37 C.F.R. §1.181.

The Examiner mailed a Notice of Non-Compliant Amendment on Wednesday, 11 January, 2012.

On 18 January, 2012, Petitioner submitted a new amendment over a Thursday, 12 January, 2012, certificate of mailing.

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 13 June, 2011, with reply due absent extension of time on or before 13 September, 2011.

The application went abandoned by operation of law after midnight 13 September, 2011.

The Office mailed the Notice of Abandonment on 19 December, 2011.

Notably, also on Monday, 19 December, 2011, Petitioner filed (over a Tuesday, 13 December, 2011, certificate of mailing) from Chicago, IL, *inter alia*, a request and fee for extension of time—Petitioner is cautioned not to bury such requests in other papers, but to make them obvious, consistent with the requirements of the regulations at 37 C.F.R. §1.4(b)—and a reply in the form of an amendment.

On 3 January, 2012, Petitioner filed 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 13 December, 2011, certificate of mailing). Thus, Petitioner sought to make the showing required as set forth in the guidance in the Commentary at MPEP §711.03(c)(I).

The Examiner mailed a Notice of Non-Compliant Amendment on Wednesday, 11 January, 2012.

On 18 January, 2012, Petitioner submitted a new amendment over a Thursday, 12 January, 2012, certificate of mailing.

The guidance in the Commentary at MPEP §711.03(c)(I) provides in pertinent part as to timely fling:

* * *

37 C.F.R. §1.10(c) through §1.10(e) and §1.10(g) set forth procedures for petitioning the Director of the USPTO to accord a filing date to correspondence as of the date of deposit of the correspondence as "Express Mail." A petition to withdraw the holding of abandonment relying upon a timely reply placed in "Express Mail" must include an appropriate petition under 37 C.F.R. §1.10(c), (d), (e), or (g) (see MPEP §513). When a paper is shown to have been mailed to the Office using the "Express Mail" procedures, the paper must be entered in PALM with the "Express Mail" date.

Similarly, applicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides *prima facie* evidence that the reply was timely filed. See MPEP §503. For example, if the application has been held abandoned for failure to file a reply to a first Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing of a petition to withdraw the holding of abandonment. When the reply is shown to have been timely filed based on a postcard receipt, the reply must be entered into PALM using the date of receipt of the reply as shown on the post card receipt.

Where a certificate of mailing under 37 C.F.R. §1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 C.F.R. 1.8(b) and MPEP §512. As stated in 37 C.F.R. §1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to have been timely filed based on a certificate of mailing, the correspondence is entered into PALM with the actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 C.F.R. §1.8).

37 C.F.R. §1.8(b) also permits applicant to notify the Office of a previous mailing or transmission of correspondence and submit a statement under 37 C.F.R. §1.8(b)(3) accompanied by a duplicate copy of the correspondence when a reasonable amount of time (e.g., more than one month) has elapsed from the time of mailing or transmitting of the correspondence. Applicant does not have to wait until the application becomes abandoned before notifying the Office of the previous mailing or transmission of the correspondence. Applicant should check the

private Patent Application Information Retrieval (PAIR) system for the status of the correspondence before notifying the Office. See MPEP §512. [1]

***

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (*see*: 37 C.F.R. §1.181(f)), and those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[2]

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994). And the 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.

---

[1] *See*: MPEP §711.03(c) (I)(B).

[2] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §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.))

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.[5]

Allegations as to the Request to
Withdraw the Holding of Abandonment

The guidance in the Commentary at MPEP §711.03(c)(I) specifies the showing required and how it is to be made and supported.

Petitioner appears to have made the showing required.

CONCLUSION

Accordingly, the petition as considered pursuant to 37 C.F.R. §1.181 is **granted**, and the 19 December, 2011, Notice of Abandonment hereby is **vacated**.

The instant application is released to the Technology Center/AU 3632 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.

---

[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

[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
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.
12/378,248	02/11/2009	Jeong Y. Choi	MP-1136	4131

80410 7590 01/06/2011
Isabelle R. McAndrews
3301 Olcott Street
Santa Clara, CA 95054

EXAMINER
MAI, SON LUU

ART UNIT	PAPER NUMBER
2827	

MAIL DATE	DELIVERY MODE
01/06/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office
Address : COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
12378248	2/11/09	CHOI ET AL.	MP-1136

EXAMINER
Son L.. Mai

ART UNIT	PAPER
2827	20110104

DATE MAILED:

Isabelle R. McAndrews
3301 Olcott Street
Santa Clara, CA 95054

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The Petition to correct inventorship has been approved. The name of Stephen Fung has been deleted as an inventor of the application.
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son L. Mai whose telephone number is 571-272-1786. The examiner can normally be reached on M-F from 8am to 6pm.
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amir Zarabian can be reached on 571-272-1852. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

01/04/2011

/Son L. Mai/
Primary Examiner, Art Unit 2827

UNITED STATES PATENT AND TRADEMARK 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.
12/378,296	02/13/2009	Kathleen Anne Derwin	CCF1-43365US1	2451

116 7590 08/11/2011
PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND, OH 44114-3108

EXAMINER
ZEMEL, IRINA SOPJIA

ART UNIT	PAPER NUMBER
1765	

MAIL DATE	DELIVERY MODE
08/11/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES 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: 8/11/11

RG

In re Application of Kathleen Derwin et al.
Serial No.: 12/378,296
Filed: February 13, 2009

DECISION ON PETITION UNDER *37 CFR §1.84(b)(2)*

Title: MOLECULAR ENHANCEMENT OF EXTRACELLULAR MATRIX AND METHODS OF USE

This is a decision on the PETITION TO ACCEPT COLOR DRAWINGS filed February 13, 2009 to accept color drawings under 37 C.F.R. § 1.84(a)(2).

It is noted that the applicant has met the requirements of 37 C.F.R. § 1.84(b)(2) by (i) providing three (3) sets of color drawings; and; (ii) providing a Preliminary Amendment to the specification to include necessary wording regarding color drawings; and (iii) providing the processing fee set forth in 37 C.F.R. § 1.17(h).

The request is **GRANTED**.

The application file is being forwarded to the appropriate section of the Patent and Trademark Office for correction of the record.

/Randy Gulakowsk/

Randy Gulakowski
Supervisory Patent Examiner
Art Unit 1766
Technology Center 1700

PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND OH 44114-3108

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450
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MAILED Paper No.
JUN 30 2011
OFFICE OF PETITIONS

THE INVENTORS NETWORK, INC.
332 ACADEMY STREET
CARNEGIE PA 15106

In re Application of	:	
Cecil et al.	:	
Application No. 12/378,316	:	DECISION ON PETITION
Filed: February 17, 2009	:	PURSUANT TO
Title: MEDICAL PRESSURE	:	37 C.F.R. § 1.137(B)
MEASURING DEVICE	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed April 13, 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 of Non-compliant Amendment (notice), mailed June 24, 2010, 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 July 25, 2010. A notice of abandonment was mailed on March 22, 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 amendment, 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, and jurisdiction over this application is transferred to the Technology Center, so that the application may receive further processing. The Technology Center's support staff will notify the Examiner of this decision, so that the amendment that was received on April 13, 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/
Paul Shanoski
Senior Attorney
Office of Petitions

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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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Paper No.

SIJO BAK
501-1420 2ND AVE EAST
VANCOUVER BC V5N 5L9
CANADA

MAILED

JUL 28 2011

OFFICE OF PETITIONS

In re Application of	:	
SIJO BAK	:	
Application No. 12/378,319	:	DECISION ON PETITION
Filed: February 17, 2009	:	PURSUANT TO
Title: SECOND LAW ENERGY SYSTEM	:	37 C.F.R. § 1.137(A)

This is a decision on the petition submitted on May 26, 2011 pursuant to 37 C.F.R. § 1.137(a).

This petition is **DISMISSED.**

It is noted that a petition pursuant to 37 C.F.R. § 1.137(b) was filed on May 24, 2011, along with the $270 fee that is associated with the filing of a petition pursuant to 37 C.F.R. § 1.137(a). On May 26, 2011, this petition pursuant to 37 C.F.R. § 1.137(a) was filed, along with $540 (the difference between the $810 fee that is associated with the filing of a petition pursuant to 37 C.F.R. § 1.137(b) and $270). In other words, two petitions pursuant to 37 C.F.R. §§ 1.137(a) and 1.137(b) were filed, but only the fee associated with the latter was submitted to the Office. The undersigned contacted Petitioner telephonically, and Petitioner indicated that the petition pursuant to 37 C.F.R. § 1.137(b) was not to be processed. As such, the Office of Petitions will process only the petition pursuant to 37 C.F.R. § 1.137(a), and the $540 overpayment will be refunded to Petitioner's credit card in due course.

BACKGROUND

The above-identified application became abandoned for failure to properly reply in a timely manner to the notice of non-compliant amendment, mailed August 10, 2010, which set an extendable period for reply of one month. A response was received on

September 3, 2010.[1] The above-identified application became abandoned on September 11, 2010. A notice of abandonment was mailed on February 11, 2011.

RELEVANT PORTIONS OF THE C.F.R.

37 C.F.R. § 1.134: Time period for reply to an Office action:

An Office action will notify the applicant of any non-statutory or shortened statutory time period set for reply to an Office action. Unless the applicant is notified in writing that a reply is required in less than six months, a maximum period of six months is allowed.

37 CFR § 1.135: Abandonment for failure to reply within time period:

(a) If an applicant of a patent application fails to reply within the time period provided under § 1.134 and § 1.136, the application will become abandoned unless an Office action indicates otherwise.
(b) Prosecution of an application to save it from abandonment pursuant to paragraph (a) of this section must include such complete and proper reply as the condition of the application may require. The admission of, or refusal to admit, any amendment after final rejection or any amendment not responsive to the last action, or any related proceedings, will not operate to save the application from abandonment.
(c) When reply by the applicant is a bona fide attempt to advance the application to final action, and is substantially a complete reply to the non-final Office action, but consideration of some matter or compliance with some requirement has been inadvertently omitted, applicant may be given a new time period for reply under § 1.134 to supply the omission.

The Applicable Standard

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 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.[2]

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[1] The notice of abandonment indicated, *in pertinent part*, "Applicant received the notice of non-compliant amendment dated August 10, 2010, which explained Amendment problems, but the subsequent amendment, dated September 3, 2010, has not corrected prior indicated problem(s)."

2 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's interpretation of a statute it administers is

> [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.[3]
>
> 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.'[4]
>
> 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.[5]

The burden of showing the cause of the delay is on the person seeking to revive the application.[6]

"[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] Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.

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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.")

3 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).

4 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)).

5 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)).

6 Id.

7 See In re Sivertz, 227 USPQ 255, 256 (Comm'r Pat. 1985).

> In re Mattullath, 38 App. D.C. 497 (D.C. Cir. 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).

As such, the general question asked by the Office is: "did petitioner act as a reasonable and prudent person in relation to his most important business?"

In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account."[8]

A petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable."[9]

ANALYSIS

A grantable petition pursuant to 37 C.F.R. § 1.137(a) 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(l);
(3) A showing to 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 was unavoidable, 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 an amendment, the petition fee, and a statement of facts.

Petitioner has met requirements (1) and (2) of Rule 1.137(a). The fourth requirement is not applicable, as a terminal disclaimer is not required.[10] The third requirement of Rule 1.137(a) has not been satisfied, as will now be pointed out.

Regarding the third requirement of Rule 1.137(a), Petitioner has asserted that the present application went abandoned due to the fact that he was "admitted (into) Vancouver general hospital to

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8 Smith v. Mossinghoff, 671 F.2d at 538; 213 USPQ at 982.
9 Haines v. Quigg, 673 F. Supp. at 314, 316-17; 5 USPQ2d at 1131-32.
10 See Rule 1.137(d).

operate broken ankel (sic) and brain surgery on 27/Nov/2010. Applicant checked mail box and found abandonment letter on 03/Mar/2011 the day back home from hospital."

Medical incapacitation is an avenue by which an applicant can successfully establish that the entire period of a delay was unavoidable. If this is the case, on renewed petition, Petitioner should assert that he was medically incapacitated for the entire period of delay, and thus prevented from attending to his most important business by replying to the Office action in a timely manner or at least filing a petition to revive on an earlier date. A showing of "unavoidable" delay based upon medical incapacitation must establish that Petitioner's incapacitation was of such a nature and degree as to render Petitioner unable to conduct business (e.g., correspond with the Office) during the entire period between September 11, 2010 and May 25, 2011. Such a showing must be supported by a statement from Petitioner's treating physician, and such statement must provide the nature and degree of Petitioner's incapacitation during the above-mentioned period.

Any relevant medical documentation which would support this assertion should be provided as well.

However, if Petitioner chooses to assert that he was medically incapacitated from conducting business with the Office up until the filing of this petition, he must explain why this petition was not filed sooner: Petitioner has suggested that he was discharged from the hospital on March 3, 2011, and this petition was not filed until almost two months later. Petitioner should note that it is the entire period of delay, from the due date for the reply until the filing of a grantable petition, which must be shown to have been unavoidable.

Petitioner is cautioned to avoid submitting confidential information that may contribute to identity theft. Specifically, Petitioner should consider redacting social security, bank account, or credit card numbers from any documents submitted to the USPTO. This type of personal data is never required by the USPTO to support a petition or an application. Petitioner is advised that any information submitted may be disclosed, as a routine use, to the public after either publication of the application, unless a non-publication request is made in the application, or issuance of a patent. Further, a record may be disclosed, subject to the limitations of 37 C.F.R. § 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.

If Petitioner has supplied papers that contain any of the above-identified confidential information that has not been redacted, Petitioner may provide a redacted copy of the same to the Office. If accompanied by a statement that the redacted version is identical to the originally submitted copy, but for the redactions, the redacted copy will be placed into the file and the original copy will be destroyed.

CONCLUSION

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(a)." This is not a final agency action within the meaning of 5 U.S.C § 704.

Alternatively, Petitioner may submit a petition pursuant to 37 C.F.R. § 1.137(b).

Petitioner will note that a third option is to concurrently file both a renewed petition pursuant to Rule 1.137(a) and a petition pursuant to Rule 1.137(b). If the former petition is granted, the fee that is associated with the filing of the latter petition will be refunded to Petitioner.

Any subsequent filing pertaining to the abandonment of this application should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[11] hand-delivery,[12] or facsimile.[13] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[14]

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

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11 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
12 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
13 (571) 273-8300: please note this is a central facsimile number.
14 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.[15]

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

15 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No.

MAILED

AUG 15 2011

OFFICE OF PETITIONS

SIJO BAK
501-1420 2ND AVE EAST
VANCOUVER BC V5N 5L9
CANADA

In re Application of	:	
SIJO BAK	:	
Application No. 12/378,319	:	DECISION ON RENEWED PETITION
Filed: February 17, 2009	:	PURSUANT TO
Title: SECOND LAW ENERGY SYSTEM	:	37 C.F.R. § 1.137(A)

This is a decision on the renewed petition submitted on August 8, 2011 pursuant to 37 C.F.R. § 1.137(a).

This renewed petition is **DISMISSED.**

BACKGROUND

The above-identified application became abandoned for failure to properly reply in a timely manner to the notice of non-compliant amendment, mailed August 10, 2010, which set an extendable period for reply of one month. A response was received on September 3, 2010.[1] The above-identified application became abandoned on September 11, 2010. A notice of abandonment was mailed on February 11, 2011.

RELEVANT PORTIONS OF THE C.F.R.

37 C.F.R. § 1.134: Time period for reply to an Office action:

An Office action will notify the applicant of any non-statutory or shortened statutory time period set for reply to an Office action. Unless the applicant is notified in writing that a reply is required in less than six months, a maximum period of six months is allowed.

37 CFR § 1.135: Abandonment for failure to reply within time period:

[1] The notice of abandonment indicated, *in pertinent part*, "Applicant received the notice of non-compliant amendment dated August 10, 2010, which explained Amendment problems, but the subsequent amendment, dated September 3, 2010, has not corrected prior indicated problem(s)."

(a) If an applicant of a patent application fails to reply within the time period provided under § 1.134 and § 1.136, the application will become abandoned unless an Office action indicates otherwise.
(b) Prosecution of an application to save it from abandonment pursuant to paragraph (a) of this section must include such complete and proper reply as the condition of the application may require. The admission of, or refusal to admit, any amendment after final rejection or any amendment not responsive to the last action, or any related proceedings, will not operate to save the application from abandonment.
(c) When reply by the applicant is a bona fide attempt to advance the application to final action, and is substantially a complete reply to the non-final Office action, but consideration of some matter or compliance with some requirement has been inadvertently omitted, applicant may be given a new time period for reply under § 1.134 to supply the omission.

The Applicable Standard

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 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.[2]
>
> [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.[3]
>
> 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.'[4]

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2 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's 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.")
3 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).
4 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,

> 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.[5]

The burden of showing the cause of the delay is on the person seeking to revive the application.[6]

"[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] 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 (D.C. Cir. 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).

As such, the general question asked by the Office is: "did petitioner act as a reasonable and prudent person in relation to his most important business?"

In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account."[8]

A petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable."[9]

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945 (7th Cir. 1985); Smith v. Mossinghoff, 217 U.S. App. D.C. 27, 671 F.2d 533, 538 (D.C. Cir.1982)).

5 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)).

6 Id.

7 See In re Sivertz, 227 USPQ 255, 256 (Comm'r Pat. 1985).

8 Smith v. Mossinghoff, 671 F.2d at 538; 213 USPQ at 982.

9 Haines v. Quigg, 673 F. Supp. at 314, 316-17; 5 USPQ2d at 1131-32.

PROCEDURAL HISTORY AND ANALYSIS

A grantable petition pursuant to 37 C.F.R. § 1.137(a) 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(l);
(3) A showing to 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 was unavoidable, 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.

An original petition pursuant to 37 C.F.R. § 1.137(a) was submitted on May 26, 2011, along with an amendment, the petition fee, and a statement of facts. The original petition was dismissed via the mailing of a decision on July 28, 2011, which indicated that requirements (1) and (2) of Rule 1.137(a) had been satisfied and that the fourth requirement is not applicable, as a terminal disclaimer is not required.[10] The decision set forth, on page 5:

> Medical incapacitation is an avenue by which an applicant can successfully establish that the entire period of a delay was unavoidable. If this is the case, on renewed petition, Petitioner should assert that he was medically incapacitated for the entire period of delay, and thus prevented from attending to his most important business by replying to the Office action in a timely manner or at least filing a petition to revive on an earlier date. A showing of "unavoidable" delay based upon medical incapacitation must establish that Petitioner's incapacitation was of such a nature and degree as to render Petitioner unable to conduct business (e.g., correspond with the Office) during the entire period between September 11, 2010 and May 25, 2011. Such a showing must be supported by a statement from Petitioner's treating physician, and such statement must provide the nature and degree of Petitioner's incapacitation during the above-mentioned period.
>
> Any relevant medical documentation which would support this assertion should be provided as well.

With this renewed petition, Petitioner has included a one-paragraph statement of facts, and three handwritten attachments:

10 See Rule 1.137(d).

the first is unlabeled, the second is entitled "discharge summary," and the third "Vancouver General Hospital emergency department record." As these three documents are handwritten, each contains portions that are illegible, and a typewritten transcription has not been located in the electronic file. It follows that none of these three attachments has been considered in its entirety, as the full contents of the same cannot be discerned by the undersigned.

Petitioner has not established that the entire period of delay was unavoidable due to medical incapacitation, as the record does not support a finding that Petitioner's alleged medical incapacitation was of such a nature and degree as to render Petitioner unable to conduct business (e.g., correspond with the Office) during the entire period between September 11, 2010 and the filing of a grantable petition.

First, the decision on the original petition indicated that such "a showing must be supported by a statement from Petitioner's treating physician, and such statement must provide the nature and degree of Petitioner's incapacitation during the above-mentioned period." It does not appear that such a statement was included with this renewed petition.

On second renewed petition, a statement from Petitioner's treating physician should be included, and such statement must provide the nature, the degree, and the duration of Petitioner's incapacitation. Petitioner will further need to explain why this was omitted from the renewed petition. Petitioner is reminded that it is the entire period of delay, from the due date for the reply until the filing of a <u>grantable</u> petition which must be shown to have been unavoidable.

Second, it is noted that on the fifth page of the decision on the original petition, it was indicated that on renewed petition, Petitioner would need to explain why the original petition was not filed sooner:

> Petitioner has suggested that he was discharged from the hospital on March 3, 2011, and this petition was not filed until almost two months later.

It does not appear that this point has been addressed on renewed petition. On second renewed petition, Petitioner will need to

both address this point and indicate why it was not addressed on renewed petition.

Petitioner is cautioned to avoid submitting confidential information that may contribute to identity theft. Specifically, Petitioner should consider redacting social security, bank account, or credit card numbers from any documents submitted to the USPTO. This type of personal data is never required by the USPTO to support a petition or an application. Petitioner is advised that any information submitted may be disclosed, as a routine use, to the public after either publication of the application, unless a non-publication request is made in the application, or issuance of a patent. Further, a record may be disclosed, subject to the limitations of 37 C.F.R. § 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.

If Petitioner has supplied papers that contain any of the above-identified confidential information that has not been redacted, Petitioner may provide a redacted copy of the same to the Office. If accompanied by a statement that the redacted version is identical to the originally submitted copy, but for the redactions, the redacted copy will be placed into the file and the original copy will be destroyed.

CONCLUSION

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 "Second Renewed Petition Pursuant to 37 C.F.R. § 1.137(a)." This is not a final agency action within the meaning of 5 U.S.C § 704.

Alternatively, Petitioner may submit a petition pursuant to 37 C.F.R. § 1.137(b).

Petitioner will note that a third option is to concurrently file both a second renewed petition pursuant to Rule 1.137(a) and a petition pursuant to Rule 1.137(b). If the former petition is granted, the fee that is associated with the filing of the latter petition will be refunded to Petitioner.

Any subsequent filing pertaining to the abandonment of this application should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[11] hand-delivery,[12] or facsimile.[13] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[14]

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.[15]

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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11 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
12 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
13 (571) 273-8300: please note this is a central facsimile number.
14 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html
15 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No.

SIJO BAK
501-1420 2ND AVE EAST
VANCOUVER BC V5N 5L9
CANADA

MAILED
SEP 12 2011
OFFICE OF PETITIONS

In re Application of	:	
SIJO BAK	:	
Application No. 12/378,319	:	DECISION ON SECOND RENEWED
Filed: February 17, 2009	:	PETITION PURSUANT TO
Title: SECOND LAW ENERGY SYSTEM	:	37 C.F.R. § 1.137(A)

This is a decision on the second renewed petition submitted on September 1, 2011 pursuant to 37 C.F.R. § 1.137(a).

This second renewed petition is **GRANTED.**

The above-identified application became abandoned for failure to properly reply in a timely manner to the notice of non-compliant amendment, mailed August 10, 2010, which set an extendable period for reply of one month. A response was received on September 3, 2010.[1] The above-identified application became abandoned on September 11, 2010. A notice of abandonment was mailed on February 11, 2011.

A grantable petition pursuant to 37 C.F.R. § 1.137(a) 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(l);
(3) A showing to 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 was unavoidable, and;
(4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to

[1] The notice of abandonment indicated, *in pertinent part*, "Applicant received the notice of non-compliant amendment dated August 10, 2010, which explained Amendment problems, but the subsequent amendment, dated September 3, 2010, has not corrected prior indicated problem(s)."

paragraph (d) of this section.

An original petition pursuant to 37 C.F.R. § 1.137(a) was submitted on May 26, 2011, along with an amendment, the petition fee, and a statement of facts. The original petition was dismissed via the mailing of a decision on July 28, 2011, which indicated that requirements (1) and (2) of Rule 1.137(a) had been satisfied and that the fourth requirement is not applicable, as a terminal disclaimer is not required.[2]

A renewed petition pursuant to 37 C.F.R. § 1.137(a) was submitted on August 8, 2011, and was dismissed via the mailing of a decision on August 15, 2011.

With this second renewed petition, Petitioner has included a statement of facts and medical documentation which establish that the entire period of delay was unavoidable.

It follows that the third requirement of Rule 1.137(a) has been satisfied.

The Technology Center will be notified of this decision, and jurisdiction over this application is transferred to the Technology Center, so that the application may receive further processing. The Technology Center's support staff will notify the Examiner of this decision, so that the amendment that was submitted to the Office on May 26, 2011 can receive further processing 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 Senior Attorney Paul Shanoski at (571) 272-3225.[3] All other

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2 See Rule 1.137(d).
3 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

inquiries concerning examination procedures should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior 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.
12/378,345	02/12/2009	Sang-Hoon Yim	62555/P849	8503

23363 7590 08/01/2011
CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA, CA 91109-7068

EXAMINER
RAABE, CHRISTOPHER M

ART UNIT	PAPER NUMBER
2879	

MAIL DATE	DELIVERY MODE
08/01/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
www.uspto.go

CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA CA 91109-7068

AUG 1 2011

In re Application of YIM ET. AL.	:	
Appl No.: 12/378,345	:	**DECISION ON PETITION**
Filed: February 12, 2009	:	**UNDER**
For: Plasma Display Device	:	***37 CFR 1.84***
Attorney Docket No. 62555/P849	:	

This decision is in response to the petition filed February 12, 2009 in the above-identified application. Petitioner requests that color drawings be accepted in accordance with 37 C.F.R. 1.84(a)(2).

The petition is **GRANTED**.

The petition states that color drawings of Figures 5, 6, and 8 are necessary in order to completely and accurately represent the invention.

A grantable petition under 37 C.F.R. 1.84(a)(2) requires submission of the following: (1) the appropriate fee, (2) three sets of color drawings, and (3) the required text language set forth in 37 C.F.R. 1.84 (a)(2)(iii).

The papers filed on February 12, 2009 fulfill the requirements set forth in 37 C.F.R. 1.84(a)(2).

Telephonic inquires concerning this decision should be directed to the undersigned at (571) 272-2457.

For Nimeshkumar Patel
Supervisory Patent Examiner
Art Unit 2879

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

JAN 20 2011

OFFICE OF PETITIONS

JUSTUS LAPHAM
201 S. MAIN STE 6
VICTORIA, TX 77901

In re Application of	:	
Byrns et al.	:	
Application No. 12/378,355	:	DECISION ON PETITION
Filed: February 17, 2009	:	
Attorney Docket No. 984-21	:	

This is a decision on the petition, filed November 26, 2010, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the Notice mailed May 7, 2009, which set a two (2) month shortened statutory period for reply.

Petitioner asserts that the Notice was not received because it was misaddressed by the Office.

A review of the written record does indicate an irregularity in the mailing of the Notice of dated May 7, 2009. In this regard, the Office did in fact mail the Notice to an incorrect address.

In view of the above, the holding of abandonment is hereby withdrawn.

Petitioner should note that the address of record is associated with Customer Number 88075. Customer Number 88075 indicates the correspondence address as 201 S. Main Ste 6, Victoria, TX 77901 instead of 201 S. Main Ste G, Victoria, TX 77901, as stated in the petition. As such, a courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

This application is being referred to the Office of Patent Application Processing (OPAP) for processing of the response submitted November 26, 2010.

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571) 272-6059.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

cc: JUSTUS LAPHAM
201 S. MAIN STE G
VICTORIA, TX 77901

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MAILED
MAR 15 2012
OFFICE OF PETITIONS

Jennifer K. Brannan
708 College St.
Montezuma GA 31063

In re Application of	:	
Brannan	:	
Application No.: 12/378,357	:	ON PETITION
Filed: February 13, 2009	:	
Attorney Docket No:	:	

This is a decision on the petition under 37 CFR §1.137(b), February 21, 2012, to revive the above-identified application.

The petition is **dismissed**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from 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 application became abandoned for failure to respond in a timely manner to the non-final Office action mailed June 21, 2011. The notice set a shortened statutory period for reply of two months from its mailing date. No response was received within the allowable period, and the application became abandoned on September 22, 2011. A Notice of Abandonment was mailed January 25, 2012.

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 pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a non-provisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee, or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

The petition does not satisfy items (1) and (2) above.

As to item (1), a successful petition under 37 CFR 1.137(b) is required to be accompanied by a response to the non-final Office action mailed June 21, 2011. The response must be either a continuation application or a compliant amendment to the claims. Such is required to accompany a renewed petition filed.

As to item (2), the fee for the instant petition is $930.00 for a small entity, and must accompany the renewed petition.

Petitioner may wish to consider filing a petition to withdraw the holding of abandonment under 37 CFR 1.181, which has no fee. Petitioner must establish non-receipt of the Office communication in accordance with section 711.03(c) of the *Manual of Patent Examining Procedure* that requires the following:

> To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
>
> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required. A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

If petitioner is a pro se applicant, petitioner may provide a copy of the file petitioner maintains containing the papers received from, and filed with, the USPTO or a copy of any calendar or journal petitioner may keep concerning the communications with the USPTO relative to the

application.[1] A copy of the non-final Office action mailed June 21, 2011, is enclosed for petitioner's convenience.

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 concerning this decision may be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enclosure: Copy—non-final Office action mailed June 21, 2011

[1] Petitioner is cautioned to maintain a log, calendar, or journal of the correspondence and/or fees petitioner sends to and receives from the USPTO. The Office understands that a pro se applicant will not have the resources of a law firm and will not have an extensive docketing system. However, it is reasonable to expect that petitioner will keep a simple log or calendar in which petitioner records the date and kind of correspondence sent to the USPTO and received from the USPTO. Maintaining such a log will serve as *prima facie* evidence that correspondence by the Office was not received and avoid the necessity of filing a petition under 37 CFR 1.137 and paying the petition fee.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/378,357	02/13/2009	Jennifer K. Brannan		6535

7590 06/21/2011

Jennifer K. Brannan
708 College St.
Montezuma, GA 31063

EXAMINER
NORDMEYER, PATRICIA L

ART UNIT	PAPER NUMBER
1788	

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.

Office Action Summary	Application No.	Applicant(s)	
	12/378,357	BRANNAN, JENNIFER K.	
	Examiner	Art Unit	
	PATRICIA NORDMEYER	1788	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-13 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-13 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 13 February 2009 is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 26, 27 and 28. All numbers listed in the specification appendix need to be included in the specification. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Figure 11a or Figure 11b. The title for the individual figures are not shown in the specification or specification appendix. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet

submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "21" has been used to designate both fixing a protector in Figure 11a and a protector in Figure 12. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "22" has been used to designate both bin protector with opening and closing top in Figure 11b and a plain shelf protector in Figure 12. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being

amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "23" has been used to designate both opening and closer slider in Figure 11b and protector on a shelf in Figure 12. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

6. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

7. The abstract of the disclosure is objected to because the language of the abstract is not clear and concise. There are many spelling and grammatical errors that need to be corrected. Lines 4 - 6 contain multiple incomplete sentences. Correction is required. See MPEP § 608.01(b).

8. The disclosure is objected to because of the following informalities: The specification contains many spelling and grammatical issues that need to be corrected, specifically in the specification appendix, extinction (which should be extension), handel (which should be handle), Micro Vet elaters and Micro Ventilates . The specification also fails to disclose all of the reference characters shown in the figures.

Appropriate correction is required.

Claim Objections

9. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 9 - 12 have been renumbered 10 - 13.

10. Claims 1 - 13 are objected to because of the following informalities: the language of the claims is unclear with regard to the dependency of claims 2 - 13. Please see the patents referred to below in the in the rejections to see how to correctly write the dependency on the individual claims. Also, there are numbers that appear to refer to the number of sides of the sheet which should be written out (three instead of 3) to limit the confusion with regard to the reference characters. Appropriate correction is required.

11. The claims are objected to because they include reference characters which are not enclosed within parentheses.

Reference characters corresponding to elements recited in the detailed description of the drawings and used in conjunction with the recitation of the same element or group of elements in the claims should be enclosed within parentheses so as to avoid confusion with other numbers or characters which may appear in the claims. See MPEP § 608.01(m).

12. A series of singular dependent claims is permissible in which a dependent claim refers to a preceding claim which, in turn, refers to another preceding claim.

A claim which depends from a dependent claim should not be separated by any claim which does not also depend from said dependent claim. It should be kept in mind that a dependent claim may refer to any preceding independent claim. In general, applicant's sequence will not be changed. See MPEP § 608.01(n).

Claim Rejections - 35 USC § 112

13. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

14. Claims 1 - 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

15. Claims 1 - 13 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

16. Claims 9 - 11 and 13 recite the limitation "semi-plastic cover" in claims 1 - 4. There is insufficient antecedent basis for this limitation in the claim. Claims 1 - 4 use the term "semi-plastic transparent sheet", and the same term needs to be used in claims 9 - 11 and 13.

The phrase "semi-plastic transparent sheet" or "transparent semi-plastic cover" in claims 1 - 11 and 13 is unclear, which render the claims vague and indefinite. It is unclear from the

claim language and the specification what is meant by the above terms. Does the sheet material only have to contain a little bit of plastic? What is consider to be semi-plastic? What type of materials is used to form a semi-plastic article?

The phrase "two layers to keep tissue paper with cleansing lotion and had one seal opening space" in claims 2, 8 and 9 is unclear, which renders the claim vague and indefinite. How does the two layer keep the tissue paper? Where is the tissue paper located in relation to the two layers? What is a seal opening space? Are the two layers sealed together to encase the tissue and cleansing lotion? Is part of the sealed edges left unsealed to form the "seal opening space"? Is the cleansing lotion separate from the tissue paper?

The phrase "four gum straps with removable non sticking paper" in claim 3 is unclear, which renders the claim vague and indefinite. Where are the gum straps located in relation to the transparent sheet? Do they extend from the surface or are they coated on the surface?

The phrase "four strap openings" in claim 4 is unclear, which renders the claim vague and indefinite. How is the strap openings made? Do they extend through the thickness of the two layered sheet? If so, how do they not interact with the tissue paper on the inside of the two layers?

The terms "ventilators" and "micro ventilators" in claims 5 and 7 are unclear, which renders the claim vague and indefinite. What are ventilators? What is the difference between ventilators and micro ventilators? What is their function with regard to the sheet?

The phrase "has elastic to fix on refrigerator bins" in claim 9 is unclear, which renders the claims vague and indefinite. Where is the elastic located? Is it on the edge of the sheet material?

The phrase "has top sealing with opening and closing slider" in claim 13 is unclear, which renders the claim vague and indefinite. If the top sheet is sealed, how can be opened and closed with a slider? Doesn't there have to be an opening in the top sheet in order for the slider to work?

17. Claims 1 - 13 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: the location of the individual parts in relationship to each. For example, the location of the straps with regard to the two layers or the location of the tissue paper with regard to the two layers.

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

19. Claims 1, 2 and 4 - 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larsonneur et al. (USPN 5,320,895) in view of Wickham et al. (USPN 7,662,214) and Young et al. (USPGPub 2004/0004052).

Larsonneur et al. disclose a semi- plastic sheet with two layers (Figure 7, #102 and 106; Column 5, lines 8 - 10) with three side foldable refrigerator wall fitting edges and one extended hand grip (Figure 6, #110, wherein one of the sealed edges work as a hand grip) as in claim 1. For claims 2, 8 and 9, the semi-plastic sheet has two layers (Figure 7, #102 and 106; Column 5, lines 8 - 10) to keep tissue paper (Figure 7, #108; Column 4, lines 61 - 63) and had one seal opening space (Figure 6, #110). Regarding claims 5 and 7, the semi-plastic sheet on top has ventilators and micro ventilators at bottom (Figure 7, #122 and 124). In claim 6, the semi-plastic sheet with two layers has three side extended wall fitting edges (Figure 6, #110, wherein three of the sealed edges work as extended sides). However, Larsonneur et al. fail to disclose the plastic sheet being transparent, the tissue paper containing cleansing lotion and the semi-plastic sheet on top having four strap openings.

Wickham et al. teach an absorbent liner for a refrigerator (Figures; Abstract) with a cleansing lotion (Column 3, line 26) for the purpose of reducing the bacteria growth within the refrigerator (Column 3, lines 26 - 28).

Young et al. teach a liner for a shelf (Figures; Abstract) made from a transparent plastic sheet (Abstract) using straps to hold the liner in place (Figures 4 and 9), wherein the liner contains openings in the liner (Figure 4, #19; Column 3, Paragraph 0040) for the purpose of attaching the liner to the shelf (Column 3, Paragraph 0040).

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided the cleansing lotion and attachment straps in Larsonneur et al. in order to reduce the bacteria growth within the refrigerator as taught by Wickham et al. and to attach the liner to the shelf as taught by Young et al.

20. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Larsonneur et al. (USPN 5,320,895) in view of Wickham et al. (USPN 7,662,214) and Young et al. (USPGPub 2004/0004052) as applied to claims 1, 2 and 4 - 9 above, and further in view of Sulpizio (USPN 6,305,567).

Larsonneur et al., as modified with Wickham et al. and Young et al., discloses the claimed invention above except for the sheet having four gum straps with removable non sticking paper.

Sulpizio teaches a liner with an adhesive, or gum, (Column 6, lines 10 - 12) for the purpose of maintaining the proper placement of the liner against a surface (Column 6, lines 50 - 59).

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided the adhesive in the modified Larsonneur et al. in order to maintain the proper placement of the liner against a surface as taught by Sulpizio.

With regard to the limitation of the gum being covered by a removable non sticking paper, it would have been obvious to one having ordinary skill in the art at the time the invention was made to protect the gum with a removable paper since it was known in the art that the paper would protect the gum from adhering an unwanted substrate.

21. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Larsonneur et al. (USPN 5,320,895) in view of Wickham et al. (USPN 7,662,214) and Young et al. (USPGPub 2004/0004052) as applied to claims 1, 2 and 4 - 9 above, and further in view of Conrad et al. (USPN 6,245,697).

Larsonneur et al., as modified with Wickham et al. and Young et al., discloses the claimed invention above except for the cover has elastic to fix on refrigerator bins.

Conrad et al. teach a refrigerator liner (Column 4, line 65) using an elastic material (Column 8, line 59) for the purpose of securing the liner in place over a substrate (Column 8, lines 59 - 61).

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided the elastic in the modified Larsonneur et al. in order to secure the liner in place over a substrate as taught by Conrad et al.

22. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larsonneur et al. (USPN 5,320,895) in view of Wickham et al. (USPN 7,662,214) and Young et al. (USPGPub 2004/0004052) as applied to claims 1, 2 and 4 - 9 above, and further in view of Weng et al. (USPGPub 2008/0008856).

Larsonneur et al., as modified with Wickham et al. and Young et al., discloses the claimed invention above except for supporting straps on four sides of the bin protecting cover and suction cups on supporting straps to fix on inner walls of the refrigerator bins or commercial deep freezers.

Weng et al. teach support straps, the edge of the liner, (Figures) with suction cups on supporting straps (Page 3, Paragraph 0040) for the purpose of engaging a surface (Page 3, Paragraph 0040).

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided the suction cups in the modified Larsonneur et al. in order to engage a surface as taught by Weng et al.

With regard to the limitation of "to fix on inner walls of the refrigerator bins or commercial deep freezers", a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

23. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Larsonneur et al. (USPN 5,320,895) in view of Wickham et al. (USPN 7,662,214) and Young et al. (USPGPub 2004/0004052) as applied to claims 1, 2 and 4 - 9 above, and further in view of Marrale (USPN 7,097,092).

Larsonneur et al., as modified with Wickham et al. and Young et al., discloses the claimed invention above except for transparent semi-plastic cover has top sealing with opening and closing slider.

Marrale teaches a slider as part of the package (Figure 7b) for the purpose of being able to repeatedly open and close the product (Column 4, lines 5 and 6).

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided the slider in the modified Larsonneur et al. in order to be able to repeatedly open and close the product as taught by Marrale.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PATRICIA NORDMEYER whose telephone number is (571)272-1496. The examiner can normally be reached on Mon.-Fri. from 10:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alicia Chevalier can be reached on (571) 272-1490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Patricia L. Nordmeyer
Primary Examiner
Art Unit 1788

/Patricia L. Nordmeyer/
Primary Examiner, Art Unit 1788

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

MAILED

JUN 29 2011

OFFICE OF PETITIONS

Genentech, Inc.
Attn: Brian L. Buckwalter
1 DNA Way
South San Francisco CA 94080-4990

In re Application of :
David Scott WALKER et al. : ON PETITION
Application No. 12/378,366 :
Filed: February 12, 2009 :
Atty. Docket No.: R0307B-REG

This is a decision on the petition under 37 CFR 1.137(b), filed June 10, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application was held abandoned for failure to reply in a timely manner to the Notice of Allowance and Fee(s) Due mailed February 24, 2011, which set a statutory period for reply of three (3) months. The application became abandoned May 25, 2011. A Notice of Abandonment was mailed June 10, 2011.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of payment of the issue and publication fees in accordance with the Notice mailed February 24, 2011, (2) a petition fee of $1620, and (3) a statement of unintentional delay. The reply to the Notice is accepted as having been unintentionally delayed.

Telephone inquires regarding this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427).

The application file will be referred to Office of Data Management.

Anthony Knight
Director
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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Ballard Spahr LLP
SUITE 1000
999 PEACHTREE STREET
ATLANTA GA 30309-3915

MAILED
AUG 02 2011
OFFICE OF PETITIONS

In re Application of	:	
Robert C. Bohannon	:	
Application No. 12/378,368	:	ON PETITION
Filed: February 12, 2009	:	
Attorney Docket No. 18161.0001U3	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 8, 2011, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, November 22, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 23, 2011. The Notice of Abandonment was mailed July 14, 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).

The continuing application number was not provided and there is no continuing application information in USPTO records.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Kenneth A. Webber**
KILPATRICK TOWNSEND & STOCKTON LLP
2 Embarcadero Center, 8th Floor
San Francisco, CA 94111

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KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

MAILED

AUG 30 2011

OFFICE OF PETITIONS

In re Application of Robert C. Bohannon Application No. 12/378,368 Filed: February 12, 2009 Attorney Docket No. 92641-809133 (000700US)	: : : : :	ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed August 12, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, November 22, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 23, 2011. The Notice of Abandonment was mailed July 14, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a continuing application under 37 CFR 1.53(b); (2) the petition fee of $810; and (3) a proper statement of unintentional delay.

This application is being revived solely for purposes of continuity. As continuity has been established by this decision, the application is again abandoned in favor of continuing application No. 13/179,333.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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OFFICE OF PETITIONS

GEORGE L. WILLIAMSON
P.O. BOX 508
FAIRHOPE AL 36533-0508

In re Application of	:	
Martin L. Cooper et al.	:	
Application No. 12/378,374	:	DECISION ON PETITION
Filed: February 17, 2009	:	
Attorney Docket No.	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 4, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed March 10, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on June 11, 2010. A Notice of Abandonment was mailed on October 12, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $810 and (3) a proper statement of unintentional delay. Accordingly, the amendment is accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 3752 for appropriate action by the Examiner in the normal course of business on the reply received October 4, 2010.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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BAKER BOTTS L.L.P.
PATENT DEPARTMENT
98 SAN JACINTO BLVD., SUITE 1500
AUSTIN TX 78701-4039

MAILED

SEP 12 2011

OFFICE OF PETITIONS

In re Application of	:	
Christopher A. WYATT	:	
Application No. 12/378,411	:	DECISION ON PETITION
Filed: February 13, 2009	:	
Attorney Docket No. WJ 15/02	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 20, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to submit formal drawings in a timely manner in reply to the Notice of Allowability, mailed April 01, 2011, which set a period for reply of three (3) months. Accordingly, this application became abandoned on July 02, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the corrected formal drawings; (2) the petition fee of $810.00; and (3) a proper statement of unintentional delay. Accordingly, the corrected formal drawings are accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

This application is being referred to Office of Data Management.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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MAR 09 2012

OFFICE OF PETITIONS

K&L GATES LLP
210 SIXTH AVENUE
PITTSBURGH PA 15222-2613

In re Application of
Stephen D. Sawczak et al
Application No. 12/378,414
Filed: February 13, 2009
Attorney Docket No. 070201-4

DECISION GRANTING PETITION
UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, March 8, 2012 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on February 2, 2012 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2113 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/378,424	02/13/2009	Stephen D. Sawczak	070201-2	2221

26285 7590 12/28/2011
K&L GATES LLP
210 SIXTH AVENUE
PITTSBURGH, PA 15222-2613

EXAMINER
WHITTINGTON, ANTHONY T

ART UNIT	PAPER NUMBER
2121	

MAIL DATE	DELIVERY MODE
12/28/2011	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

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December 28, 2011

K&L GATES LLP
210 SIXTH AVENUE
PITTSBURGH PA 15222-2613

In re Application of	:	
Stephen D. Sawczak et al.	:	**DECISION ON PETITION**
Application No. 12378424	:	
Filed: 2/13/2009	:	
Attorney Docket No. 070201-2	:	

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R 1.84(a)(2), received in the United States Patent and Trademark Office (USPTO) February 13, 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 EFS 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 ☑

Requirement 2: The replacement drawings filed 4/27/2009 were not submitted in color.

Requirement 3: The paragraph is present, but misplaced. It must be the first paragraph in the brief description.

A renewed petition filed under 37 C.F.R. 1.84(a)(2) must be filed within TWO (2) MONTHS of this decision. If a renewed petition is not filed within the TWO (2) Months of this decision the drawings will be printed in black and white.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Don Fairchild/
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/378,424	02/13/2009	Stephen D. Sawczak	070201-2	2221

26285 7590 03/13/2012
K&L GATES LLP
210 SIXTH AVENUE
PITTSBURGH, PA 15222-2613

EXAMINER
WHITTINGTON, ANTHONY T

ART UNIT	PAPER NUMBER
2121	

MAIL DATE	DELIVERY MODE
03/13/2012	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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March 13, 2012

K&L GATES LLP
210 SIXTH AVENUE
PITTSBURGH PA 15222-2613

In re Application of	:	
Stephen D. Sawczak et al.	:	**DECISION ON PETITION**
Application No. 12378424	:	
Filed: 2/13/2009	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. 070201-2	:	***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) February 28, 2012.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 7/21/11

TO SPE OF : ART UNIT: 1797

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/378,456 Patent No. 7,901,694

CofC mailroom date 7/5/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Ernest C. White, LIE

Certificates of Correction Branch

703-756-1814 _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☐ **Approved** — **All** changes apply.
- ☒ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: Amendments to claims 24 and 25 are approved. The amendments to claims 22 and 23 are denied as they would be dependent on a later claim. It is recommended to make them dependent on claim 19

SPE

1777
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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PENNINGTON, MOORE, WILKINSON,
BELL & DUNBAR, PA
PO BOX 10095
TALLAHASSEE, FL 32302-2095

MAILED

SEP 29 2011

OFFICE OF PETITIONS

In re Application of
Kevin J. Barefield, et al.
Application No. 12/378,505
Filed: February 17, 2009
Attorney Docket No. 19738-22480

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 12, 2011, to revive the above-identified application.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts. However, if petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. All future correspondence regarding this application file will be directed solely to the address of record until otherwise instructed.

This application became abandoned for failure to timely pay the issue and publication fees on or before August 31, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed May 31, 2011. Accordingly, the date of abandonment of this application is September 1, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $755 and the publication fee of $300, (2) the petition fee of $810; and (3) a proper statement of unintentional delay.

In view of the above, the petition is **GRANTED**.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning this application should be directed to the Office of Data Management at their hotline 571-272-4200.

This application is being referred to the Office of Data Management for processing into a patent.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Enriwue F. Stinga
12 Joey Lane
Avenel NJ 07001

MAILED
JUL 18 2011
OFFICE OF PETITIONS

In re Application of	:	
Enrique F., Stinga, et al.	:	
Application No. 12/378,529	:	DECISION ON PETITION
Filed: February 17, 2009	:	
Attorney Docket No. SS-2	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 14, 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, November 12, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 13, 2011. The Notice of Abandonment was mailed May 24, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a response, (2) the petition fee of $810, and (3) a proper statement of unintentional delay.

37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is not a correct reading of the statement appearing in the petition.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due

date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application.

The terminal disclaimer filed herewith petition cannot be accepted because it was not signed by a registered patent attorney or patent agent of record appointed in compliance with § 1.32(b) or an assignee as provided under § 3.71(b) of this chapter. A terminal disclaimer cannot be signed by an attorney in representative capacity.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

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.

/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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MAILED
JAN 24 2012
OFFICE OF PETITIONS

INTEL CORPORATION
C/O CPA GLOBAL
P.O. BOX 52050
MINNEAPOLIS MN 55402

In re Application of
Tod A. Byquist et al.
Application No. 12/378,559
Filed: February 17, 2009
Attorney Docket No: **P20305C**

ON PETITION

This is a decision on the petition filed December 30, 2011 under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned May 17, 2011 for failure to timely reply to the non-Final Office Action mailed February 15, 2011 within the shortened statutory period of three months set for reply. Accordingly, a Notice of Abandonment was mailed September 20, 2011.

This matter is being referred to Technology Center 3744 for appropriate action on the amendment filed December 30, 2011.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

[1]Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DUNLAP CODDING, P.C.
PO BOX 16370
OKLAHOMA CITY, OK 73113

MAILED
DEC 15 2010
OFFICE OF PETITIONS

In re Application of
Donald E. Weder
Application No.: 12/378,564
Filed: February 17, 2009
Attorney Docket No.: 8404.483

ON PETITION

This is a decision in response to the petition, filed October 20, 2010, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed March 24, 2010. A Notice of Abandonment was mailed on October 7, 2010. On October 20, 2010, the present petition was filed.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that petitioner has supplied (1) a proposed reply in the form of an amendment; (2) the petition fee of $1,620; and (3) an adequate statement of unintentional delay.

The application is being referred to Technology Center AU 3644 for appropriate action by the Examiner in the normal course of business on the response filed October 20, 2010.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

O'MALLEY AND FIRESTONE
919 S. HARRISON STREET
SUITE 320
FORT WAYNE IN 46802

MAILED
JAN 23 2012
OFFICE OF PETITIONS

In re Application of Curtis E. Graber Application No. 12/378,603 Filed: February 18, 2009 Attorney Docket No. CUSTO-08002	: : : : :	ON PETITION

This is a decision regarding your request under 37 CFR 1.28. for acceptance of a fee deficiency submission filed December 30, 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.33d 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 in the amount of $675, under 37 CFR 1.28, is hereby accepted and the petition is **GRANTED**.

Inquiries related to this communication should be directed to the Office of Petitions Staff at (571) 272-3282.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MCNAIR LAW FIRM, P.A.
P.O. BOX 447
GREENVILLE SC 29602-0447

MAILED

JAN 03 2012

OFFICE OF PETITIONS

In re Application of	:	
Alexandr Abrashkin et al.	:	
Application No. 12/378,637	:	DECISION ON PETITION
Filed: February 18, 2009	:	TO WITHDRAW
Attorney Docket No. **048916.00006**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed December 6, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because the attorney cannot withdraw attorneys' individually when the power of attorney was originally granted by Customer Number in the Power of Attorney filed March 23, 2009.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110429

DATE : April 29, 2011

TO SPE OF : ART UNIT 1621

SUBJECT : Request for Certificate of Correction on Patent No.: 7820143

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:

/DANIEL SULLIVAN/
Supervisory Patent Examiner.Art Unit 1621

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JOHN E. SIMMS JR.
6803 YORK ROAD, SUITE 202
BALTIMORE MD 21212

MAILED

APR 11 2011

OFFICE OF PETITIONS

In re Application of	:	
Beverly Lynn Hamilton	:	
Application No. 12/378,767	:	DECISION ON PETITION
Filed: February 19, 2009	:	TO WITHDRAW
Attorney Docket No. 08-128	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 31, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by John E. Simms, Jr., sole attorney of record. John E. Simms, Jr. has been withdrawn.

The correspondence address has been changed and is copied below.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Beverly Lynn
2908 Linwood Avenue
Parkville, MD 21234

UNITED STATES PATENT AND TRADEMARK 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
12/378,767	02/19/2009	Beverly Lynn Hamilton	08-128

CONFIRMATION NO. 5525

POWER OF ATTORNEY NOTICE

34590
JOHN E. SIMMS JR.
6803 YORK ROAD, SUITE 202
BALTIMORE, MD 21212

OC000000047004779

Date Mailed: 04/07/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/31/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DIW Mar-11

THOMTE LAW OFFICE, L.L.C.
2120 S. 72ND STREET, SUITE 1111
OMAHA NE 68124

MAILED

MAR 28 2011

OFFICE OF PETITIONS

In re Application of :
Rodney Laible :
Application Number: 12/378850 :
Filing Date: 02/20/2009 :
Attorney Docket Number: RD-09-01 :

ON PETITION

This is a decision in response to the petition under 37 CFR 1.137(b) filed on February 7, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on August 28, 2010, for failure to properly reply to the non-final Office action mailed on May 27, 2010, which set a three (3)-month shortened statutory period for reply. Notice of Abandonment was mailed on January 6, 2011.

Receipt of the amendment and terminal disclaimers is acknowledged.

It is noted that the "Terminal Disclaimer to Accompany Petition" filed on February 7, 2011, is not required since the application is a utility or plant application filed on or after June 8, 1995. Therefore, the aforementioned Terminal Disclaimer has not been accepted and will not be entered, but will remain in the application file. No fee has been charged in connection with this terminal disclaimer.

The application is referred to the Technology Center Art Unit 3754 for further processing.

Telephone inquiries concerning this matter may 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

Richard M. Wood
754 Suffolk Lane
Virginia Beach VA 23452

MAILED

JUN 17 2011

OFFICE OF PETITIONS

In re Application of :
Wood :
Application No. 12/378,881 :
Filed: February 20, 2009 :
For: WHEEL CAVITY FLOW CONTROL :
DEVICE AND METHOD FOR REDUCING :
THE AERODYNAMIC DRAG OF GROUND :
VEHICLES :

DECISION ON PETITION

This is a decision on the petition filed under 37 CFR 1.137(b) in the above-identified application filed on June 13, 2011.

The petition is **GRANTED.**

This above-identified application became abandoned for failure to timely file a response to a non-final Office Action, which was mailed on October 18, 2010. The non-final Office Action set a three (3) month shortened statutory period for reply. Accordingly, this application became abandoned on January 19, 2011. A Notice of Abandonment was mailed on May 13, 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 and replacement drawings (2) the petition fee of $810.00, and (3) a statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR §10.18(b). In the event that such an inquiry has not been made, Petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR §1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the petition is signed by a registered patent attorney or patent agent of record. However, in accordance with 37 CFR 1.34, the signature of Mr. Harper appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

This application is being referred to Technology Center AU 3617 for appropriate action by the Examiner in the normal course of business on the reply received.

Charlema Grant
Attorney
Office of Petitions

Cc: M. Bruce Harper
Williams Mullen
222 Central Park Avenue, Suite 1700
Virginia Beach, Virginia 23462

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)
Approved for use through 01/31/2011. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: SOPINC-005USCON1	Application Number (if known): 12/378,911	Filing date: February 20, 2009
First Named Inventor: Darren T. KIMURA		
Title: SUPPORT OF HEAT COLLECTORS IN SOLAR ENERGY COLLECTORS		

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: _____

Signature /Charles D. Holland/	Date April 1, 2011
Name (Print/Typed) Charles D. Holland	Registration Number 35,196

Note: *Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below*.*

☐ *Total of ..... forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Instruction Sheet for Petition to Make Special Under the Green Technology Pilot Program

(Not to be Submitted to the USPTO)

The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at http://www.uspto.gov/patents/init_events/green_tech.jsp):

1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.

2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.

3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.

4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.

5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.

6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/378,911	02/20/2009	Darren T. Kimura	SOPINC-005USCON1	1310

76082 7590 04/12/2011
K&L Gates LLP
IP Docketing
630 HANSEN WAY
PALO ALTO, CA 94304

EXAMINER
PRICE, CARL D

ART UNIT	PAPER NUMBER
3749	

MAIL DATE	DELIVERY MODE
04/12/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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K&L Gates LLP
IP Docketing
630 HANSEN WAY
PALO ALTO CA 94304

In re Application of	:	
KIMURA, DARREN T. et al	:	DECISION ON PETITION
Application No. 12/378,911	:	TO MAKE SPECIAL UNDER
Filed: Feb. 20, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. SOPINC-005USCON1	:	PILOT PROGRAM

This is a decision on the renewed petition under 37 CFR 1.102, filed April 1, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is Granted.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a

request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

This application will be forwarded to the Technology Center Art Unit 3749 for action on the merits commensurate with this decision.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center TC 3700

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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/378,969	02/20/2009	Louis H. Bookbinder	33320.03051.US12/ 3051B	2507

13565 7590 06/30/2011
McKenna Long & Aldridge LLP
4435 Eastgate Mall
Suite 400
San Diego, CA 92121

EXAMINER
KOSSON, ROSANNE

ART UNIT	PAPER NUMBER
1652	

MAIL DATE	DELIVERY MODE
06/30/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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JUN 30 2011

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McKenna Long & Aldridge LLP
4435 Eastgate Mall
Suite 400
San Diego CA 92121

In re Application of:
Bookbinder et al.
Serial No.: 12/378,969
Filed: April 16, 2009
Attorney Docket No: **33320.03051.US24/ 3051D**

: PETITION DECISION

This is in response to the petition filed on June 1, 2011 under 3 7 CFR 1.181 to correct the misclassification of submitted Information Disclosure Statements. Specifically, applicants request correction of the classification in PAIR of the Information Disclosure Statements submitted on June 16, 2009; November 2, 2009; June 11, 2010; September 24, 2010; and December 22, 2010 in connection with the above-referenced application and consideration by the Examiner of the documents and information contained therein.

Applicants argue the "Information Disclosure Statements were submitted in connection with the above-captioned application on June 16, 2009; November 2, 2009; June 11, 2010; September 24, 2010; and December 22, 2010. Each Information Disclosure Statement was prepared in accordance with 37 C.F.R 1.97 and 1.98. As required under 37 C.F.R 1.98, each Information Disclosure Statement contained 1) a list of all patents, publications, applications, or other information submitted for consideration by the Office, including a column that provides a space next to each document to be considered, for the examiner's initials and a heading that clearly indicates that the list is an Information Disclosure Statement; and 2) legible copies of all items listed. The items either were in English or a translation was provided. A copy of the misclassified Information Disclosure Statements filed on June 16, 2009; November 2, 2009; June 11, 2010; September 24, 2010; and December 22, 2010 is attached.

The submitted Information Disclosure Statement included a tabular Form PTO-1449, which was classified as an "IDS," and a written disclosure of information. In each instance, the written disclosure of information was misclassified in PAIR as a "Transmittal Letter" (June 16, 2009, "Transmittal Letter" of 8 pages; November 2, 2009, "Transmittal Letter" of 8 pages; June 11, 2010, "Transmittal Letter" of 3 pages; September 24, 2010, "Transmittal Letter" of 2 pages; and December 22, 2010, "Transmittal Letter" of 2 pages). Consequently the information contained therein may not be considered or reviewed by the Examiner."

Applicants' argument has been accorded careful consideration and is persuasive. PAIR will be corrected to reflect the misclassification of the submitted Information Disclosure Statements of June 16, 2009; November 2, 2009; June 11, 2010; September 24, 2010; and December 22, 2010.

DECISION

The petition is **GRANTED.**

Should there be any questions about this decision please contact Marianne C. Seidel, by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600

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United States Patent and Trademark Office
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McKenna Long & Aldridge LLP
4435 Eastgate Mall
Suite 400
San Diego, CA 92121

MAILED
MAR 23 2012
OFFICE OF PETITIONS

In re Application of Bookbinder et al. :
Application No. 12/378,969 :
Filed: February 20, 2009 :
Atty. Docket No. 33320.03051.US12/3051B :

DECISION ON APPLICATION
FOR PATENT TERM ADJUSTMENT

This decision responds to the "Application for Patent Term Adjustment Under 37 C.F.R. § 1.705(b)" filed February 8, 2012, which requests the initial determination of patent term adjustment be corrected from 134 days to 160 days.

The request for correction of the initial determination of patent term adjustment is **granted to the extent indicated herein**.

The Office has updated the Office's PALM database to reflect the correct Patent Term Adjustment determination at the time of the mailing of the Notice of Allowance is 114 days. A copy of an updated PALM screen showing the correct determination is enclosed.

The Office mailed a Determination of Patent Term Adjustment under 35 U.S.C. § 154(b) in the above-identified application on January 26, 2012, which advised Applicants of a patent term adjustment to date of 134 days. In response, Applicants timely filed this application for patent term adjustment prior to payment of the issue fee on February 8, 2012. Applicants argue the correct period of Applicant Delay is 92 days instead of 108 days.

Issue 1

The Office entered a 1-day reduction in patent term adjustment under 37 C.F.R. § 1.704(b) as a result of the Office's PALM database indicating an information disclosure statement ("IDS") was filed August 18, 2011. Applicants have established the IDS was actually filed August 17, 2011. Therefore, the Office's entry of the one-day reduction in patent term adjustment based on the IDS was improper.

Issue 2

The Office entered a 25-day reduction in patent term adjustment under 37 C.F.R. § 1.704(c)(8) as a result of the submission of an IDS on December 23, 2011. Applicants have established the

IDS was filed with a statement that complies with 37 C.F.R. § 1.704(d). Therefore, the Office's entry of a 25-day reduction in patent term adjustment based on the IDS was improper.

Issue 3

A review of the record indicates the Office should have entered a 46-day reduction in patent term adjustment under 37 C.F.R. § 1.704(c)(8) based on Applicants' submission of an IDS on January 13, 2012.

37 C.F.R. § 1.704(c)(8) states circumstances that will result in a reduction in the period of adjustment include:

> Submission of a supplemental reply or other paper, other than a supplemental reply or other paper expressly requested by the examiner, after a reply has been filed, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date the initial reply was filed and ending on the date that the supplemental reply or other such paper was filed.

37 C.F.R. § 1.704(d) states the submission of an IDS will not result in a reduction in patent term adjustment in certain circumstances. Specifically, 37 C.F.R. § 1.704(d) states,

(1) A paper containing only an information disclosure statement in compliance with §§ 1.97 and 1.98 will not be considered a failure to engage in reasonable efforts to conclude prosecution (processing or examination) of the application under paragraphs (c)(6), (c)(8), (c)(9), or (c)(10) of this section if it is accompanied by a statement that each item of information contained in the information disclosure statement:
   - (i) Was first cited in any communication from a patent office in a counterpart foreign or international application or from the Office, and this communication was not received by any individual designated in Sec. 1.56(c) more than thirty days prior to the filing of the information disclosure statement; or
   - (ii) Is a communication that was issued by a patent office in a counterpart foreign or international application or by the Office, and this communication was not received by any individual designated in Sec. 1.56(c) more than thirty days prior to the filing of the information disclosure statement.

(2) The thirty-day period set forth in paragraph (d)(1) of this section is not extendable.

A reply to an Office action was filed November 28, 2011. An IDS was subsequently filed on January 13, 2012, and the record fails to indicate the examiner expressly requested the submission of the IDS. Therefore, a reduction in patent term adjustment based on the submission of the IDS is warranted unless an exception set forth in 37 C.F.R. § 1.704(d) is applicable.

The January 13, 2012 IDS includes a statement asserting the cited communication was received December 13, 2011. The IDS was not filed until January 13, 2012, which was *thirty-one* days after the receipt of the December 13, 2011 communication. Therefore, the provisions of 37 C.F.R. § 1.704(d) are inapplicable.

In view of the prior discussion, the submission of the January 13, 2012 IDS warrants a reduction in patent term adjustment under 37 C.F.R. § 1.704(c)(8). The number of days beginning November 29, 2011, the day after the date a reply to an Office action was filed, and ending January 13, 2012, the date the IDS was filed, is 46 days. Therefore, a 46-day reduction in patent term adjustment is warranted as a result of the submission of the IDS on January 13, 2012.

Conclusion

The Office mailed a Determination of Patent Term Adjustment under 35 U.S.C. § 154(b) in the application on January 26, 2012, which advised Applicants of a patent term adjustment to date of 134 days.

The 134-day determination included an improper 1-day reduction in patent term adjustment based on the submission of an IDS on August 17, 2011, and an improper 25-day reduction in patent term adjustment based on the submission of an IDS on December 23, 2011.

The 134-day determination improperly failed to include a 46-day reduction in patent term adjustment based on the submission of an IDS on January 13, 2012.

The correct patent term adjustment, as of the mailing date of the Notice of Allowance, is 114 days.

Applicants are reminded that any delays by the Office pursuant to 37 C.F.R. §§ 1.702(a)(4) and 1.702(b) and any applicant delays under 37 C.F.R. § 1.704(c)(10) will be calculated at the time of the issuance of the patent and Applicants will be notified of the revised patent term adjustment to be indicated on the patent in the Issue Notification letter that is mailed to Applicants approximately three weeks prior to issuance.

The Office of Data Management has been advised of this decision. This matter is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of REVISED PALM screen

Patent Term Adjustments

PTA/PTE Information | Patent Term Adjustment | Patent Term Extension

Application Number*: 12378969 Search Explanation of PTA Calculation Explanation of PTE Calculation

PTA Calculations for Application: 12378969

Application Filing Date	02/20/2009	OverLapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays	252
A Delays	252	PTO Manual Adjustment	-20
B Delays	0	Applicant Delay (APPL)	118
C Delays	0	Total PTA (days)	114

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
126	03/21/2012		P028	Adjustment of PTA Calculation by PTO	20	0	
98	01/26/2012		MN/=.	Mail Notice of Allowance		0	
97	01/25/2012		OAR	Office Action Review		0	
96	01/25/2012		OAR	Office Action Review		0	
95	01/25/2012		OAR	Office Action Review		0	
92	01/20/2012		OAR	Office Action Review		0	
91	01/20/2012		OAR	Office Action Review		0	
90	01/20/2012		OAR	Office Action Review		0	
89	01/20/2012		IREV	Issue Revision Completed		0	
88	01/20/2012		DVER	Document Verification		0	
87	01/20/2012		N/=.	Notice of Allowance Data Verification Completed		0	
86	01/20/2012		DOCK	Case Docketed to Examiner in GAU		0	
85	01/19/2012		EX.R	Reasons for Allowance		0	
84	01/19/2012		EX.A	Examiner's Amendment Communication		0	
83	01/19/2012		CNTA	Allowability Notice		0	
94	01/13/2012		IDSC	Information Disclosure Statement considered		0	
93	01/13/2012		WIDS	Information Disclosure Statement (IDS) Filed		0	
82	12/23/2011		IDSC	Information Disclosure Statement considered		0	
81	12/23/2011	11/28/2011	M844	Information Disclosure Statement (IDS) Filed	25	73	
80	12/23/2011		WIDS	Information Disclosure Statement (IDS) Filed		0	
51	12/23/2011		WIDS	Information Disclosure Statement (IDS) Filed		0	
74	12/07/2011		FWDX	Date Forwarded to Examiner		0	
73	11/28/2011		A.QU	Response after Ex Parte Quayle Action		0	
75	11/18/2011		IDSC	Information Disclosure Statement considered		0	
72	11/18/2011		M844	Information Disclosure Statement (IDS) Filed		0	
71	11/18/2011		WIDS	Information Disclosure Statement (IDS) Filed		0	
70	10/12/2011		MCTEQ	Mail Ex Parte Quayle Action (PTOL - 326)		0	
69	10/07/2011		OAR	Office Action Review		0	
68	10/06/2011		CTEQ	Quayle action		0	
67	09/26/2011		P574	PARALEGAL OR ELECTRONIC TERMINAL DISCLAIMER APPROVED		0	
57	09/20/2011		FWDX	Date Forwarded to Examiner		0	
54	08/30/2011		LET.	Miscellaneous Incoming Letter		0	
59	08/18/2011		IDSC	Information Disclosure Statement considered		0	
53	08/18/2011		RCAP	Reference capture on IDS		0	
52	08/18/2011	08/17/2011	M844	Information Disclosure Statement (IDS) Filed	1	56	
66	08/17/2011		DIST	Terminal Disclaimer Filed		0	
60	08/17/2011		IDSC	Information Disclosure Statement considered		0	
58	08/17/2011		WIDS	Information Disclosure Statement (IDS) Filed		0	
56	08/17/2011	05/17/2011	A...	Response after Non-Final Action	92	38	
55	08/17/2011		XT/G	Request for Extension of Time - Granted		0	
50	07/19/2011		DOCK	Case Docketed to Examiner in GAU		0	
49	06/30/2011		MPTGR	Mail-Petition Decision - Granted		0	
48	06/29/2011		PTGR	Petition Decision - Granted		0	
42	05/25/2011		PET.	Petition Entered		0	
40	04/04/2011		PA..	Change in Power of Attorney (May Include Associate POA)		0	
39	03/30/2011		C.AD	Correspondence Address Change		0	
38	02/17/2011		MCTNF	Mail Non-Final Rejection		0	
37	02/16/2011		CTNF	Non-Final Rejection		0	
33	02/04/2011		FWDX	Date Forwarded to Examiner		0	
61	01/28/2011		IDSC	Information Disclosure Statement considered		0	
47	01/28/2011		WIDS	Information Disclosure Statement (IDS) Filed		0	
36	01/28/2011		IDSC	Information Disclosure Statement considered		0	
35	01/28/2011		RCAP	Reference capture on IDS		0	
34	01/28/2011	01/28/2011	M844	Information Disclosure Statement (IDS) Filed		32	
32	01/28/2011		ELC.	Response to Election / Restriction Filed		0	

31	01/28/2011		WIDS	Information Disclosure Statement (IDS) Filed		0
26	12/28/2010	04/20/2010	MCTRS	Mail Restriction Requirement	252	0.5
25	12/28/2010		CTRS	Restriction/Election Requirement		0
62	09/22/2010		IDSC	Information Disclosure Statement considered		0
46	09/22/2010		WIDS	Information Disclosure Statement (IDS) Filed		0
28	09/22/2010		IDSC	Information Disclosure Statement considered		0
24	09/22/2010		RCAP	Reference capture on IDS		0
23	09/22/2010		M844	Information Disclosure Statement (IDS) Filed		0
22	09/22/2010		WIDS	Information Disclosure Statement (IDS) Filed		0
63	06/08/2010		IDSC	Information Disclosure Statement considered		0
45	06/08/2010		WIDS	Information Disclosure Statement (IDS) Filed		0
27	06/08/2010		IDSC	Information Disclosure Statement considered		0
21	06/08/2010		RCAP	Reference capture on IDS		0
20	06/08/2010		M844	Information Disclosure Statement (IDS) Filed		0
19	06/08/2010		WIDS	Information Disclosure Statement (IDS) Filed		0
18	03/10/2010		A.PE	Preliminary Amendment		0
14	09/21/2009		DOCK	Case Docketed to Examiner in GAU		0
64	09/18/2009		IDSC	Information Disclosure Statement considered		0
44	09/18/2009		WIDS	Information Disclosure Statement (IDS) Filed		0
29	09/18/2009		IDSC	Information Disclosure Statement considered		0
17	09/18/2009		RCAP	Reference capture on IDS		0
16	09/18/2009		M844	Information Disclosure Statement (IDS) Filed		0
15	09/18/2009		WIDS	Information Disclosure Statement (IDS) Filed		0
13	07/16/2009		PG-ISSUE	PG-Pub Issue Notification		0
65	05/01/2009		IDSC	Information Disclosure Statement considered		0
43	05/01/2009		WIDS	Information Disclosure Statement (IDS) Filed		0
30	05/01/2009		IDSC	Information Disclosure Statement considered		0
12	05/01/2009		RCAP	Reference capture on IDS		0
11	05/01/2009		A.PE	Preliminary Amendment		0
10	05/01/2009		M844	Information Disclosure Statement (IDS) Filed		0
9	05/01/2009		WIDS	Information Disclosure Statement (IDS) Filed		0
8	04/07/2009		PA..	Change in Power of Attorney (May Include Associate POA)		0
7	04/07/2009		OIPE	Application Dispatched from OIPE		0
6	04/07/2009		FLRCPT.O	Filing Receipt		0
5	04/06/2009		CRFE	CRF Is Good Technically / Entered into Database		0
4	03/01/2009		L194	Cleared by OIPE CSR		0
3	02/27/2009		SCAN	IFW Scan & PACR Auto Security Review		0
1	02/23/2009		IEXX	Initial Exam Team nn		0
2	02/20/2009		CRFL	CRF Disk Has Been Received by Preexam / Group / PCT		0
0.5	02/20/2009		EFILE	Filing date		0

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/378,984	02/20/2009	Louis H. Bookbinder	33320.03051.US23/ 3051C	3178

13565 7590 06/08/2011
McKenna Long & Aldridge LLP
4435 Eastgate Mall
Suite 400
San Diego, CA 92121

EXAMINER
KOSSON, ROSANNE

ART UNIT	PAPER NUMBER
1652	

MAIL DATE	DELIVERY MODE
06/08/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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JUN 0 8 2011

McKenna Long & Aldridge LLP
4435 Eastgate Mall
Suite 400
San Diego CA 92121

In re Application of	:	
Bookbinder, et al.	:	
Serial No.: 12/378,984	:	PETITION DECISION
Filed: February 20, 2009	:	
Attorney Docket No: **33320.03051.US23/ 3051C**	:	

This is in response to the petition filed on May 25, 2011 under 3 7 CFR 1.181 to correct the misclassification of submitted Information Disclosure Statements. Specifically, applicants request correction of the classification in PAIR of the Information Disclosure Statements submitted on May 15, 2009; November 2, 2009; June 10, 2010; September 23, 2010; and April 8, 2011 in connection with the above-referenced application and consideration by the Examiner of the documents and information contained therein.

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The submitted Information Disclosure Statement included a tabular Form PTO-1449, which was classified as an "IDS," and a written disclosure of information. In each instance, the written disclosure of information was misclassified in PAIR as a "Transmittal Letter" (May 15, 2009, "Transmittal Letter" of 8 pages; November 2, 2009, "Transmittal Letter" of 6 pages; June 10, 2010, "Transmittal Letter" of 4 pages; September 23, 2010, "Transmittal Letter" of 2 pages;

and April 8, 2011, "Transmittal Letter" of 2 pages). Consequently the information contained therein may not be considered or reviewed by the Examiner."

Applicants' argument has been accorded careful consideration and is persuasive. PAIR will be corrected to reflect the misclassification of the submitted Information Disclosure Statements of May 15, 2009; November 2, 2009; June 10, 2010; September 23, 2010; and April 8, 2011.

DECISION

The petition is **GRANTED.**

Should there be any questions about this decision please contact Marianne C. Seidel, by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/378,984	02/20/2009	Louis H. Bookbinder	33320.03051.US23/ 3051C	3178

13565 7590 09/30/2011
McKenna Long & Aldridge LLP
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EXAMINER
KOSSON, ROSANNE

ART UNIT	PAPER NUMBER
1657	

MAIL DATE	DELIVERY MODE
09/30/2011	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

SEP 3 0 2011

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P.O. Box 1450
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Karen G. Potter
McKenna Long & Aldridge LLP
4435 Eastgate Mall
Suite 400
San Diego CA 92121

In re Application of	:
Bookbinder et al	:Decision on Petition
Serial No.: 12/378,984	:
Filed : 20 February 2009	:
Attorney Docket No.: 33320.03051.US23/3051C	:

This letter is in response to the Petition under 37 C.F.R. 1.144 filed on 29 June 2011 requesting reconsideration of the restriction requirement mailed 7 February 2011.

BACKGROUND

This application was filed as a national application under 35 U.S.C. 111(a) and as such will be considered according to restriction practice under Chapter 800.

On 7 February 2011, the examiner set forth a restriction requirement which divided claims 1-60 into 4 groups and required further election of species.

On 7 April 2011, applicants elected Group I and species catalytically active polypeptide C-terminally truncated polypeptide that includes at least amino acids 36-464 of SEQ ID No 1 (ie, amino acids 1-429 of SEQ ID NO 4), with traverse. Applicants elected additional species of a monoclonal antibody as the pharmaceutically active agent, a formulation that comprises a liposome and if necessary, the liposome in a colloidal dispersion system.

On 29 April 2011, the examiner mailed to applicants a non-final Office action in which the traversal was considered, and the requirement was made final. Claims 21-24, 29-30, 32-33, 39-40, 53-54, 56-60 and 9, in part, were withdrawn from consideration under 37 CFR 1.142(b) as being directed to non-elected subject matter. Claims that read upon different fragments of SEQ ID No 1 have been rejoined. Claims 1-6, 8-9, 25-28, 31, 34-38, 42-44, 47-52 and 55 were examined on the merits.

On 29 June 2011, applicants filed this petition.

DISCUSSION

The file history and petition have been considered carefully.

Relevant claims are set forth below:

> 25. (Original) A pharmaceutical composition, comprising a substantially purified hyaluronidase polypeptide of claim 1.
>
> 55. (Previously presented) A liposome, comprising the polypeptide of claim 1.
>
> 56. (Previously presented) The pharmaceutical composition of claim 25 that comprises a slow release delivery vehicle.
>
> 57. (Previously presented) The pharmaceutical composition of claim 56, wherein the slow release delivery vehicle comprises a lipid-polymer conjugate.
>
> 58. (Previously presented) The pharmaceutical composition of claim 56, where in the slow release delivery vehicle comprises a colloidal dispersion system.
>
> 59. (Previously presented) The pharmaceutical composition of claim 58, wherein the colloidal dispersion system is a liposome or a microsphere.
>
> 60. (Previously presented) The pharmaceutical composition of claim 56, wherein the slow release delivery vehicle comprises a biodegradable hydrogel matrix, a dendritic polymer or a multivesicular liposome.

The petition seeks reconsideration of the election of species requirements (D), (E) and (F):

> (D) If Group I is elected, in the combination of claims 55-56, Applicant must elect the formulation of either a liposome or a slow-release delivery vehicle.
>
> (E) If Group I is elected, and if Applicant elects a slow-release delivery vehicle above, in the combination of claims 57, 58 and 60, Applicant must elect either a lipid-polymer conjugate or a colloidal dispersion system or one of the vehicles listed in claim 60.
>
> (F) If Group I is elected, and if Applicant elects the colloidal dispersion system in claim 58, in claim 59, Applicant must elect either a liposome or a microsphere.

On April 7, 2011, Applicants elected the liposome for Requirement (D) and the liposome that is in colloidal dispersal system for Requirement (E) and the liposome for Requirement (F) with traverse.

The petition points to the claims 56-60 which properly depend, directly or indirectly from examined claims 1 and are directed to the elected species of liposome and/or colloidal dispersion system yet have been withdrawn from examination.

With regard to the Requirement (D), the petition correctly points out that a liposome is a type of slow release vehicle system. This type of election of species requirement be overlapping subject matter is not permitted according to MPEP 808.01(a).

With regard to the requirement (E), applicants elected the colloidal dispersion system, yet claim 58, directed to this species, was then withdrawn from examination. This is counter to MPEP 818, which states that "Applicant must make his or her own election; the examiner will not make the election for the applicant." Further, Claim 60 was withdrawn from examination, even though it encompassed multi-vesicular liposomes, which are encompassed by the elected species "liposome."

With regard to Requirement (F), Claim 59 should have been examined because applicant elected the liposome which is a colloidal dispersion system and claim 59 is directed to a colloidal dispersion system which is a liposome. Instead, claim 59 was withdrawn from examination.

In summary, these arguments are persuasive with respect to claims 56 and 58-60. Claim 57 is currently withdrawn from examination for being limited to a non-elected species of "lipid-polymer conjugate" here being no allowable generic linking claim present at this time. Should the generic claims become allowable, the election of species requirements will be withdrawn and claims limited to the non-elected species examined for patentability.

Further, it is noted that while the examiner originally required an election of species amongst certain embodiments, the file appears to indicate that examination would be limited to those elected embodiments or that the claims would be examined "in part." In some instances, these embodiments are listed in the alternative of a single claim (i.e., a Markush type claim). See the withdrawal in part of claim 9, for example. Concerning the proper treatment of Markush claims, 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, Markush claims are to be examined according to the FR Notice.

DECISION

The petition filed under 37 CFR 1.144 on 29 June 2011 is **GRANTED-IN-PART**.

Election of species requirements D has been withdrawn. Claims 56 and 58-60 are under examination for encompassing the elected species of liposome, including multi-vesicular liposomes, slow release delivery vehicles and colloidal dispersion systems. Claim 57 is withdrawn from examination as being directed to the non-elected species of lipid-polymer conjugate.

Claim 9 is no longer withdrawn "in part" from examination.

Applicants remain under obligation to respond in a timely matter to the Office action mailed 29 April 2011.

Upon response, the application will be forwarded to the examiner to prepare an Office action consistent with this petition decision. Markush claims are to be examined according to the guidance in MPEP 803.02 and the FR Notice of February 2011.

Request for reconsideration made be filed under 37 CFR 1.181 within TWO months of the mail date of this decision.

Should there be any questions regarding this decision, please contact Quality Assurance Specialist Julie Burke by mail addressed to Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at (571) 272-0512 or by Official Fax at 703-272-8300.

George C. Elliott

George Elliott
Director, Technology Center 1600

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AMGEN INC.
MAIL STOP 28-2 C
ONE AMGEN CENTER DRIVE
THOUSAND OAKS CA 91320-1799

MAILED

AUG 03 2011

OFFICE OF PETITIONS

In re Application of	:	
Thomas C. Boone et al	:	
Application No. 12/378,993	:	DECISION ON PETITION
Filed: February 19, 2009	:	
Attorney Docket No. A-1382-US-NP	:	

This is a decision on the petitions filed August 1, 2011, under the unintentional provisions of 37 CFR 1.137(b), to revive the above-identified application and a decision on the petition to expedite under 37 CFR 1.182.

The petitions are **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the issue and publication fees; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowance mailed May 27, 2011, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to the Office of Data Management to be processed into a patent.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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DEC 13 2011

OFFICE OF PETITIONS

In re Patent No. 8,030,025	: DECISION ON REQUEST FOR
BOONE et al.	: RECONSIDERATION OF
Issue Date: 10/04/2011	: PATENT TERM ADJUSTMENT
Application No. 12/378,993	: AND
Filed: 02/19/2009	: NOTICE OF INTENT TO ISSUE
Attorney Docket No. A-1382-US-NP	: CERTIFICATE OF CORRECTION

This is a decision on the petition filed on December 5, 2011, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by one hundred eighty-three (183) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by 183 days is **GRANTED**.

The Office acknowledges the submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **183 days**.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 8,030,025 B2

DATED : Oct. 4, 2011 **DRAFT**

INVENTOR(S) : Boone et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 181 days

Delete the phrase "by 181 days" and insert – by 183 days--

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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.
12/378,994	02/20/2009	Takashi Yamanaka	4041J-001556/US	3043

27572 7590 08/12/2011
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER
NORMAN, MARC E

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.

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AUG 12 2011

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P.O. BOX 828
BLOOMFIELD HILLS MI 48303

In re Application of	:	
YAMANAKA, TAKESHI	:	DECISION ON REQUEST TO
Application No. 12/378,994	:	PARTICIPATE IN PATENT
Filed: February 20, 2009	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 4041J-001556	:	PROGRAM AND PETITION
For: REFRIGERATOR CYCLE DEVICE,	:	TO MAKE SPECIAL UNDER
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 10, 2011 to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO/PCT application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO/PCT application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.
In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application. Upon completion of pre-examination processing, this application will be forwarded to an examiner for examination.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4485. All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/378,995	02/20/2009	Hidenao Shiraki	4041J-001555/US	5345

27572 7590 08/16/2011
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER
POPE, DARYL C

ART UNIT	PAPER NUMBER
2612	

MAIL DATE	DELIVERY MODE
08/16/2011	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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P.O. BOX 828
BLOOMFIELD HILLS MI 48303

In re Application of	
Hidenao SHIRAKI	**: DECISION ON REQUEST TO**
Application No.: 12/378,995	**: PARTICIPATE IN THE PATENT**
Filed: 20 February 2009	**: PROSECUTION HIGHWAY**
Attorney Docket No.: 4041J-001555/US	**: PROGRAM AND PETITION**
For: INTER-VEHICLE	**: TO MAKE SPECIAL UNDER**
COMMUNICATION DEVICE FOR	**: 37 CFR 1.102(a)**
COMMUNICATING OTHER	
VEHICLES ...	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 10 August 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or

ii. validly claims priority to a PCT application that contains no priority claims, or
iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s);
   b. An English translation of the allowable/patentable claim(s) and
   c. A statement that the English translation is accurate;
3. Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
      ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
   c. A statement that the English translation is accurate;
6. Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS, Technology Center 2600

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P.O. Box 1450
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Date: 011/25/11

Patent No. : 7967470 B2
Ser. No. : 12/379,016
Inventor(s) : **Chang**
Issued : **June 28, 2011**
Title : **ILLUMINATING RIBBON**
Docket No. : **CHAN3485/EM**

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid,* including after issuance of the patent.

In view of the foregoing, your request, in this mater, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.17(i) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS

Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-0025
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

Lamonte M. Newsome

Lamonte M. Newsome
For Mary Diggs, Supervisor
Decisions & Certificates
Of Correction Branch
(571) 272-3421 or (703) 305-8309

BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA VA 22314-1176

LMN

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MAR 14 2012

OFFICE OF PETITIONS

In re Patent No. 7,967,470 :
Issue Date: June 28, 2011 :
Application No. 12/379,016 : DECISION ON PETITION
Filed: February 11, 2009 :
Attorney Docket No. CHAN3485/EM :

This is a decision on the Request Under 37 CFR §3.81(b) To Correct Erroneous Assignment Data, filed December 8, 2011, which is being treated as a Petition, to correct assignee's name. A completed Certificate of Correction Form (PTO/SB/44) was previously submitted.

The petition under 37 CFR §3.81(b) is **GRANTED**.

Petitioner urges that the present Petition was submitted to correct assignee's name on the previously submitted PTOL 85B and such error was inadvertent. Accordingly, petitioner requests, in effect, that the Title Page of the above-identified patent be corrected, via issuance of Certificate of Correction, to correct assignee's name identified thereon from:

"Shieng Huong Enterprise Co., Ltd."

to:

--Shienq Huong Enterprise Co., Ltd.--

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 (PTO/SB/44) previously submitted.

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. 7,967,470.

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

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ALTMAN & MARTIN
6 BEACON ST, STE 600
BOSTON, MA 02108

MAILED
JAN 28 2011
OFFICE OF PETITIONS

In re Application of	:	
Bahjat S. Jabro	:	
Application No. 12/379,205	:	ON PETITION
Filed: March 23, 2009	:	
Attorney Docket No. JABRB41141	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 5, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, March 30, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 1, 2010. A Notice of Abandonment was mailed October 6, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $810 , and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6059.

This application is being referred to Technology Center 3643 for further examination on the merits.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
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LITMAN LAW OFFICES, LTD.
PATENT LAW BUILDING
8955 CENTER STREET
MANASSAS VA 20110

MAILED

DEC 12 2011

OFFICE OF PETITIONS

In re Patent No. 7,937,634 :
Issue Date: May 3, 2011 :
Application No. 12/379,246 : DECISION ON PETITION
Filed: February 17, 2009 :
Attorney Docket No. 23588.04 :

This is a decision on the petition under 37 CFR 1.182, filed December 1, 2011, requesting issuance of a duplicate Letters Patent for the above-identified patent.

The petition is **GRANTED**.

The Office of Data Management is directed to issue duplicate Letters Patent.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3215. Inquiries regarding the issuance of a duplicate Letters Patent may be directed to Ms. Kimberly Terrell, Office of Data Management, Phone: 703-756-1645.

A copy of this decision is being faxed to Publishing Division for issuance of duplicate Letters Patent.

Charlema Grant
Petitions Attorney
Office of Petitions

cc: Ms. Kimberly Terrell, Office of Data Management, Fax: 571-270-9958

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2015. OMB 0651-0058
U.S. Patent and Trademark Office; U.S DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY – PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No.:	12/379,299	First Named Inventor:	PERRY, Martin
Filing Date:	02-18-2009	Attorney Docket No.:	7917-376
Title of the Invention:	Fuel Cell System Containing Anode Tail Gas Oxidizer and Hybrid Heat Exchanger/Reformer		

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 PILOT PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PILOT 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/US09/00991

The international filing date of the corresponding PCT application(s) is/are: 02-18-2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☐ is attached.

☑ is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s)**

☑ is attached.

☐ is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

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 01/29/2010

(2) Copies of all documents (except for U.S. patents or U.S. patent application publications)

☐ are attached.

☑ have already been filed in the above-identified U.S. application on 01/29/2010

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2015. OMB 0651-0058
U.S. Patent and Trademark Office; U.S DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12/379,299	First Named Inventor:	PERRY, Martin

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT application	Explanation regarding the correspondence
1-34	1-34	US claims 1-34 are identical to PCT claims 1-34.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Leon Radomsky	Date	2-23-12
Name (Print/Typed)	Leon Radomsky	Registration Number	43445

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110425

DATE : April 25, 2011

TO SPE OF : ART UNIT 2819

SUBJECT : Request for Certificate of Correction on Patent No.: 7,902,867

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:

/SHAWKI S ISMAIL/
Supervisory Patent Examiner.Art Unit 2819

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DOWELL & DOWELL, PC
103 ORONOCO ST
SUITE 220
ALEXANDRIA, VA 22314

MAILED

SEP 27 2010

OFFICE OF PETITIONS

In re Application of	:	
Ibrahim Dincer, et al.	:	
Application No. 12/379,383	:	DECISION ON PETITION
Filed: February 19, 2009	:	
Attorney Docket No. 16766	:	

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.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Non-provisional Application (Notice), mailed March 12, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 13, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a reply, (2) the petition fee of $810, and (3) a proper statement of unintentional delay.

In view of the above, the petition is **GRANTED**.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Office of Patent Application Processing at their hotline 571-272-4000.

This application is being referred back to the Office of Patent Application Processing for pre-examination processing of the reply received August 12, 2010.

April M. Wise
Petitions Examiner
Office of Petitions

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/379,427	Filing date:	2/20/2009
First Named Inventor:	Chris Schmidt		
Title of the Invention:	PROTECTIVE LAYER FOR LARGE-SCALE PRODUCTION OF THIN-FILM SOLAR CELLS		

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/US10/24406

The international filing date of the corresponding PCT application(s) is/are: 2/17/2010

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.

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12/379,427
First Named Inventor:	Chris Schmidt

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 1/06/2011

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on 1/06/2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-6	41-46	U.S. claims 1-6 are identical to PCT claims 41-46

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature Martin Sulsky	Date 9/21/2011
Name (Print/Typed) Martin Sulsky	Registration Number 45403

UNITED STATES 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 Marbury Law Group, PLLC
11800 Sunrise Valley Drive
15TH FLOOR
Reston VA 20191

MAILED
JAN 09 2012
OFFICE OF PETITIONS

In re Application of
Chris Schmidt et al.
Application No.: 12/379,427
Filed: February 20, 2009
Attorney Docket No.: 7512-148
For: Protective Layer for Large-Scale Production of Thin-Film Solar Cells

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on September 22, 2011, to make the above-identified application special.

The request and petition are **DENIED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, Russia, Spain, Finland, Austria, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof.

(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.

(8) Applicant is required to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.

The request to participate in the PPH pilot program and petition fails to meet condition (5).

Regarding requirement (5), a non-final office action was mailed on September 20, 2011. As such the examination of this application has begun.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

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

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/379,428	Filing date:	2/20/2009
First Named Inventor:	Chris Schmidt		
Title of the Invention:	PROTECTIVE LAYER FOR LARGE-SCALE PRODUCTION OF THIN-FILM SOLAR CELLS		

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/US10/24406

The international filing date of the corresponding PCT application(s) is/are: 2/17/2010

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.

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12/379,428
First Named Inventor:	Chris Schmidt

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 1/06/2011

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on 1/06/2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-18	1-18	U.S. claims 1-18 are identical to PCT claims 1-18

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Date 9/26/11
Name (Print/Typed) Leon Radomsky	Registration Number 43445

UNITED STATES 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 Marbury Law Group, PLLC
11800 Sunrise Valley Drive
15TH FLOOR
Reston VA 20191

MAILED
JAN 09 2012
OFFICE OF PETITIONS

In re Application of
Chris Schmidt et al.
Application No.: 12/379,428
Filed: February 20, 2009
Attorney Docket No.: 7512-139
For: Protective Layer for Large-Scale Production of Thin-Film Solar Cells

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on September 26, 2011, to make the above-identified application special.

The request and petition are **DENIED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, Russia, Spain, Finland, Austria, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof.

(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.

(8) Applicant is required to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.

The request to participate in the PPH pilot program and petition fails to meet condition (5).

Regarding requirement (5), a Notice of Allowance was mailed on December 1, 2011. As such the examination of this application has begun.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

Anthony Knight
Director
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/379,499	02/24/2009	Natsushi Miura	26D-054	8532

7590 08/27/2010

POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

EXAMINER

ART UNIT	PAPER NUMBER
3753	

MAIL DATE	DELIVERY MODE
08/27/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nimi Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 08/27/2010 [illegible]
[illegible] 1237949
[illegible] -540.00 OP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK 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.
12/379,513	02/24/2009	Hong Seok Seo	YPL-163	3007

7590 05/09/2011

RABIN & Berdo, PC
1101 14TH STREET, NW
SUITE 500
WASHINGTON, DC 20005

EXAMINER
RODRIGUEZ, ARMANDO

ART UNIT	PAPER NUMBER
2828	

MAIL DATE	DELIVERY MODE
05/09/2011	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

FORM PTOM327-5 (Rev. 02/08)

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

May 9, 2011

RABIN & Berdo, PC
1101 14TH STREET, NW
SUITE 500
WASHINGTON DC 20005

In re Application of	:	
Hong Seok Seo et al.	:	**DECISION ON PETITION**
Application No. 12379513	:	
Filed: 2/24/2009	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. YPL-163	:	***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) February 24, 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

UNITED STATES PATENT AND TRADEMARK 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.
12/379,532	02/24/2009	Kentaro Ushiyama	140685	1846

7590 07/07/2011
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER
KUCAB, JAMIE R

ART UNIT	PAPER NUMBER
3621	

NOTIFICATION DATE	DELIVERY MODE
07/07/2011	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

MAILED
JUN 23 2011
OFFICE OF PETITIONS

In re Patent No. 7,863,703 :
Issue Date: January 4, 2011 :
Application No. 12/379,581 : DECISION ON PETITION
Filed: February 25, 2009 :
Attorney Docket No. 115253.03 :

This is a decision on the Request For Certificate Of Correction Under Rule 323, filed February 16, 2011, which is being treated as a Petition Under 37 CFR §3.81(b), to identify the correct assignee's name. A completed Certificate of Correction Form (PTO/SB/44) was submitted with Petition.

The petition under 37 CFR §3.81(b) is **GRANTED**.

Petitioner requests that the present Petition was submitted to correct the assignee's name on the previously submitted PTOL 85B. Accordingly, petitioner requests that a Certificate of Correction (PTO/SB/44) be issued to correct 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 (PTO/SB/44) submitted with Petition.

Inquiries related this communication should be directed to the undersigned at (571)272-3213.

Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (703)756-1814.

This matter is being referred to the Certificates of Correction Branch for processing of a Certificate of Correction in U.S. Patent No. 7,863,703.

Cheryl Gibson Baylor

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED
AUG 11 2011
OFFICE OF PETITIONS

GWiPS
P.O. Box 231630
Centerville VA 20120

In re Application of	:	
In-Hong Ko	:	
Application No. 12/379,629	:	DECISION ON PETITION
Filed: February 26, 2009	:	
Atty. Docket No. P9183/PNP	:	

This is a decision on the petition, filed June 20, 2011, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

The application was held abandoned for failure to submit formal drawings in a timely manner in reply to the Notice of Allowability, mailed February 14, 2011, which set a period for reply of three (3) months. The Notice of Abandonment was mailed May 31, 2011.

The petitioner contends that it is not necessary to correct the Drawings therefore requests the examiner to cancel the requirement of drawing corrections however and withdraw the abandonment mailed May 31, 2011. However, a reply concerning the corrected drawings requirement was required according to the Notice of Allowability that was mailed on February 14, 2011. No reply was received. Accordingly, this application became abandoned on May 15, 2011.

In view of the above, the petition requesting withdrawal of the holding of abandonment cannot be granted at this time.

If petitioner cannot supply the evidence necessary to withdraw the holding of abandonment, or simply does not wish to, petitioner should consider filing a petition under 37 CFR 1.137(b) stating that the delay was unintentional.

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed. In nonprovisional utility application abandoned for failure to respond to a non-final Office action, the required reply
may be met by filing either (A) an argument or amendment under 37 CFR 1.111 or (B) a continuing application under 37 CFR 1.53(b).

(2) The petition fee as set forth in 37 CFR 1.17(m), **$810.00 for a small entity;**

(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

A form for filing a petition to revive an unintentionally abandoned application accompanies this decision for petitioner's convenience. If petitioner desires to file a petition under 37 CFR 1.137(b) instead of filing a request for reconsideration, petitioner must complete the enclosed petition form (PTO/SB/64) and pay the $810.00 petition fee.

Petitioner may wish to consider hiring a registered patent attorney or agent to assist in the prosecution of this application. Additionally, petitioner is encouraged to contact the Inventors Assistance Center (IAC) by telephone at 800-786-9199 or 571-272-1000, Monday through Friday from 8:30 AM to 5:30 PM (EST). The IAC provides patent information and services to the public and is staffed by former Supervisory Patent Examiners and experienced Primary Examiners who answer general questions concerning patent examining policy and procedure.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to Terri Johnson at (571) 272-2991.

/Ramesh Krishnamurthy/
Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

Enclosures: Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b); Form PTO/SB/64, Privacy Act Statement

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

GWiPS
P.O. Box 231630
Centerville VA 20120

MAILED

AUG 29 2011

OFFICE OF PETITIONS

In re Application of	:	
In-Hong Ko	:	
Application No. 12/379,629	:	DECISION ON PETITION
Filed: February 26, 2009	:	
Attorney Docket No. P9183/PNP	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 15, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely submit corrected formal drawings on or before May 16, 2011, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed February 14, 2011. Accordingly, the date of abandonment of this application is May 17, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the corrected formal drawings , (2) the petition fee of $810; and (3) a proper statement of unintentional delay.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries concerning this decision should be directed to 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

cc: **Peter T. Kwon**
5375 Duke Street #208
Alexandria, VA 22304

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LEE & MORSE, P.C.
3141 FAIRVIEW PARK DRIVE
SUITE 500
FALLS CHURCH VA 22042

MAILED
FEB 17 2012
OFFICE OF PETITIONS

In re Application of	:	
Jae-Seob Lee, et al.	:	
Application No. 12/379,648	:	DECISION GRANTING PETITION
Filed: February 26, 2009	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 305-016	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, February 16, 2012 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on January 18, 2012 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 1784 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

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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.*

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

MAILED
JAN 03 2012
OFFICE OF PETITIONS

In re Application of	:	
Mutsumi Kimura, et al.	:	
Application No. 12/379,680	:	DECISION GRANTING PETITION
Filed: February 26, 2009	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 100630.04	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, December 29, 2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on December 15, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2889 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the previously filed information disclosure statement.

/Terri Johnson/
Terri Johnson
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.*

UNITED STATES PATENT AND TRADEMARK 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.
12/379,682	02/26/2009	Naohito Toyomaki	FPA-2008-0491-NEC-US-YOb	6743

7590 08/20/2010
MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

EXAMINER
HJERPE, RICHARD A

ART UNIT	PAPER NUMBER
2629	

MAIL DATE	DELIVERY MODE
08/20/2010	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

[illegible]

[illegible] Date: 08/20/2010 [illegible]
[illegible] AJUNDAF1 00000132 12379682
02 FC:1111 -540.00 OP
04 FC:1201 -220.00 OP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

June 8, 2011

MARTIN D. MOYNIHAN d/b/a PRTSI, INC.
P.O. BOX 16446
ARLINGTON VA 22215

Re Application of	
NELSON, NATHAN, ET AL.	: **DECISION ON PETITION**
Application: **12/379808**	: **ACCEPTANCE OF COLOR**
Filed: : **03/02/2009**	: **DRAWINGS**
Attorney Docket No: **45777**	:

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) March 2, 2009.

The petition is **GRANTED**.
A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

   "The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : April 18, 2012

In re Application of :

Nagao Shimada

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12379816

Filed : 02-Mar-2009

Attorney Docket No : 08-50194

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed April 18, 2012 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 2473 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	12379816
Filing Date	02-Mar-2009
First Named Inventor	Nagao Shimada
Art Unit	2473
Examiner Name	OBAIDUL HUQ
Attorney Docket Number	08-50194
Title	METHOD AND APPARATUS FOR FRAME RELAY

An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).

A grantable petition requires the following items:
(1) Petition fee; and
(2) One of the following reasons:
(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;
(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or
(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).

Petition Fee

☐ Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

☐ Applicant(s) status remains as SMALL ENTITY.

☒ Applicant(s) status remains as other than SMALL ENTITY

Reason for withdrawal from issue

○ One or more claims are unpatentable

◉ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)

○ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request,submission, and fee.

☒ I certify, in accordance with 37 CFR 1.4(d)(4) that : The RCE request ,submission, and fee have already been filed in the above-identified application on 2012.04.18

☐ 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	/Raphael A. Valencia/
Name	Raphael A. Valencia
Registration Number	43216

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ROBERT E. BUSHNELL & LAW FIRM
2029 K STREET NW
SUITE 600
WASHINGTON, DC 20006-1004

MAILED

SEP 26 2011

OFFICE OF PETITIONS

In re Application of Shin :
Application No. 12/379,818 :
Filing Date: March 2, 2009 :
Attorney Docket No. P58834 :

Decision on Petition

This is a decision on the "Petition Under 37 C.F.R. §1.181" filed December 21, 2010.

A final Office action was mailed September 21, 2010.

An amendment and a certified English language translation of a Korean application were filed November 19, 2010.

On December 7, 2010, the Office mailed an Advisory Action indicating the certified translation would not be entered.

The instant petition and a paper titled "Amendment" were filed December 21, 2010. The petition requests entry of the certified translation of the Korean application. The Remarks section of the "Amendment" sets forth arguments as to why the certified translation should be entered by the examiner.

The Office mailed a non-final Office action on January 24, 2011. The Office action states, "A certified English language translation of the priority papers has been made of record in accordance with 37 CFR 1.55."

In view of the entry of the translation, the instant petition is hereby **dismissed as moot**.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

OPAP IAP3
JUL 23 2010
PATENT & TRADEMARK OFFICE

OK TO ENTER: /FPB/

SOLE/JOINT
ATTY DOCKET: 3883-039

DECLARATION AND POWER OF ATTORNEY

As a below named Inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter, which is claimed and for which a patent is sought in the application entitled:

A FLUORESCENT MATERIAL, A METHOD OF MANUFACTURING THE FLUORESCENT MATERIAL, A RADIATION DETECTOR USING THE FLUORESCENT MATERIAL, AND AN X-RAY CT SCANNER

___ Declaration ___ Submitted with Initial Filing	___ Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)	_x_ based on Application No. PCT/JP2005/023347 filed December 20, 2005, and amended on _____ (for declaration not accompanying application)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed:

Application No.	Country	Filing Date	Priority Claimed (yes or no)
2004-369103	Japan	December 21, 2004	Yes
2005-053335	Japan	February 28, 2005	Yes

I hereby claim the benefit of Title 35, United States Code §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in a listed prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge my duty to disclose any material information under 37 C.F.R. §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Filing Date	Status (patented, pending, abandoned)

POWER OF ATTORNEY: As a named inventor, I hereby appoint registered patent practitioners associated with Customer Number 30448 to prosecute this application and transact all business in the U.S. Patent and Trademark Office connected therewith.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date May 23, 2007 First Inventor Ryouhei (First Name) _____ (Middle Initial) NAKAMURA (Last Name)

Residence same as mailing Signature Ryouhei Nakamura

Mailing Address 1-50-11 Higashitokorozawawada, Tokorozawa-shi

Citizenship Japan Saitama 359-0023, JAPAN

Date May 23, 2007 First Inventor Hironari MATSUMOTO
First Name Middle Initial Last Name

Residence same as mailing Signature Hironari Matsumoto
Mailing Address 607-3 Jurokken, Kumagaya-shi

Citizenship Japan Saitama 360-0846, JAPAN

Date May 29, 2007 First Inventor Nobuyuki YAMADA
First Name Middle Initial Last Name

Residence same as mailing Signature Nobuyuki Yamada
Mailing Address 4-9-5 Chuo, Hanyu-shi

Citizenship Japan Saitama 348-0058, JAPAN

Date May 28, 2007 First Inventor Akio MIYAMOTO
First Name Middle Initial Last Name

Residence same as mailing Signature Akio Miyamoto
Mailing Address 2571-1-201 Nagasakakamijo, Nagasaka-cho, Hokuto-shi

Citizenship Japan Yamanashi 408-0021, JAPAN

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	12379915
Filing Date	04-Mar-2009
First Named Inventor	Fumihiro Shinkai
Art Unit	3747
Examiner Name	MAHMOUD GIMIE
Attorney Docket Number	AISI-0141
Title	GAS INTRODUCING STRUCTURE OF INTAKE PATH

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	/juan.carlos.a.marquez/
Name	Juan Carlos A. Marquez
Registration Number	34072

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : July 11,2011

In re Application of :

Fumihiro Shinkai

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12379915

Filed : 04-Mar-2009

Attorney Docket No : AISI-0141

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed July 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 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 3747 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/379,943	03/04/2009	Takeshi Oota	PA20916US YANA.028	4216

21254 7590 05/05/2011
MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

EXAMINER
DOLLINGER, TONIA LYNN MEONSKE

ART UNIT	PAPER NUMBER
2443	

MAIL DATE	DELIVERY MODE
05/05/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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MCGINN INTELLECTUAL PROPERTY
LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

In re Application of: OOTA, TAKESHI, et al.
Application No. 12/379,943
Filed: March 4, 2009
For: APPARATUS, METHOD, AND PROGRAM FOR DISPLAYING STEREOSCOPIC IMAGES

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 January 18, 2011, to make the above-identified application special.

The petition is **GRANTED.**

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application is
(a) a Paris Convention application which either (i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or
(b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application (i) validly claims priority to an application filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim, or
(c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application (i) validly claims priority to an application filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim.

Where the JPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the JPO application that contains the allowable/patentable claims and the JPO priority application claimed in the U.S. application;

(2) Applicant must submit a copy of:
a. The allowable/patentable claim(s) from the Japanese application(s);
b. An English translation of the allowable/patentable claim(s), if the claims were published in a language other than English); and
c. A statement that the English translation is accurate;

(3) Applicant must:
a. Ensure that all the claims in the U.S. application sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
b. Submit a claim correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
a. A copy of all the office action(s) (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the Japanese application(s) containing the allowable/patentable claim(s);
b. An English language translation of the JPO office action(s) (if the office action(s) are not in the English language); and
c. A statement that the English translation is accurate;

(6) Applicant must submit:
a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already filed in this application); and
b. Copies of all the documents cited in the JPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application).

The request to participate in the PPH program and petition are found to comply with all the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Mehrdad Dastouri at 571-272-7418

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.

/Mehrdad Dastouri/

Mehrdad Dastouri
Quality Assurance Specialist
Technology Center 2400

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/379,945	03/04/2009	Daisuke Nakagawa	MIY 154	5049

23995 7590 01/30/2012
RABIN & Berdo, PC
1101 14TH STREET, NW
SUITE 500
WASHINGTON, DC 20005

EXAMINER
NGUYEN, PHILLIP

ART UNIT	PAPER NUMBER
2828	

MAIL DATE	DELIVERY MODE
01/30/2012	PAPER

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Rabin & Berdo,PC
1101 14th Street, NW
Suite 500
Washington DC 20005

Paper No. 1

In re Application of Nakagawa		DECISION **ON PETITION**
Appl. No. 12/379,945	:	**REGARDING REQUEST TO**
Filed: March 4, 2009	:	WITHDRAW DRAWING
For: NITRIDE BASED SEMICONDUCTOR	:	OBJECTION
DEVICE AND FABRICATION METHOD	:	**UNDER** 37 CFR 1.181
FOR THE SAME		

This is a decision on Applicant's Petition under 37 CFR 1.181 filed on July 16, 2009 requesting entry of photographs submitted by applicant on June 25, 2009 in response to the request for new drawings in the Notice of Incomplete Reply of July 10, 2009.

The Petition is **DISMISSED.**

A review of the record reveals that the applicant submitted black and white photographs on June 25, 2009 that were not in compliance with the requirements of 37 CFR 1.84 and 1.121(d) since the drawings had a line quality that was too light to be reproduced. The office then mailed a Notice of Incomplete Reply on July 10, 2009 requiring new drawings in compliance with the requirements of 37 CFR 1.84 and 1.121(d). The applicant filed a petition under 37 CFR 1.181on July 16, 2009 requesting entry of the photographs submitted by applicant on June 25, 2009. Applicant submitted replacement drawings on September 23, 2009 in response to the Notice of Incomplete Reply of July 10, 2009 which are in compliance with the requirements of 37 CFR 1.84 and 1.121(d).

Therefore applicant's request of entry of the photographs submitted on June 25, 2009 is moot in view of the replacement drawings filed on September 23, 2009. Additionally the photographs filed June 25, 2009 did not comply with the requirements of 37 CFR 1.84 and 1.121(d) since the drawings had a line quality that was too light to be reproduced.

The petition is **DISMISSED** because applicant has complied with the drawing request of July 10, 2009 with the submission of replacement drawings on September 23, 2009.

No further action is required by the applicant since the drawings of September 23, 2009 and the additional replacement drawings filed October 18, 2011 overcome all of the outstanding drawing objections.

SUMMARY: The Petition is **DISMISSED**.

Any questions regarding this decision should be directed to Jessica Stultz at 571-272-2339.

Matthew Smith, Acting Director
Technology Center 2800
571-272-1907

[initials of approving authority/initials of drafter : date]

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/379,964	03/05/2009	Hiroshi Nakazawa	KC-1026	6813

77319 7590 04/22/2011
Kubotera & Associates, LLC
200 Daingerfield Rd
Suite 202
Alexandria, VA 22314

EXAMINER
BULLOCK JR, LEWIS ALEXANDER

ART UNIT	PAPER NUMBER
2193	

MAIL DATE	DELIVERY MODE
04/22/2011	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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Kubotera & Associates, LLC
200 Daingerfield Rd
Suite 202
Alexandria VA 22314

In re Application of: NAKAZAWA et al.
Application No. 12/379,964
Attorney Docket #: **KC-1026**
Filed: March 5, 2009
For: **METHOD OF GENERATING RANDOM NUMBERS**

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed March 2, 2011 to make the above-identified application special.

The petition is **GRANTED.**

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application is
(a) a Paris Convention application which either
(i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims,

Or

(b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
(i) validly claims priority to an application filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim,

Or

(c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
(i) validly claims priority to an application filed in the JPO, or

(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim.

Where the JPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the JPO application that contains the allowable/patentable claims and the JPO priority application claimed in the U.S. application.

(2) Applicant must submit a copy of:

a. The allowable/patentable claim(s) from the JPO application(s) 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 petition is **GRANTED.**

The request to participate in the PPH pilot program and petition are found to comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Mano Padmanabhan/

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

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SEP 28 2010

OFFICE OF PETITIONS

JOSEPH D. MISLAN
4 SUNSET ROAD
LAWRENCEVILLE, NJ 08648

In re Application of	:	
Joseph David Mislan	:	
Application No. 12/380,046	:	ON PETITION
Filing Date: February 24, 2009	:	
Attorney Docket No. None	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 2, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement by the applicant that he is at least 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6059. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 3661 for action on the merits commensurate with this decision.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

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JOSEPH STEINBERG
969 COUNTRY CLUB DRIVE
TEANECK NJ 07666

MAILED

APR 02 2012

OFFICE OF PETITIONS

In re Application of
Joseph Steinberg
Application No. 12/380,049
Filed: February 23, 2009
Title of Invention: **SYSTEM FOR ALLOWING MULTIPLE RELATIONSHIP/MEMBERSHIP IDENTIFIERS TO BE CONSOLIDATED TO A SINGLE IDENTIFYING DEVICE**

DECISION ON PETITION

This is a decision on the petition filed March 5, 2012 to revive the above-identified application. The petition is also being treated as a petition to withdraw the holding of abandonment.

The petition under 37 CFR 1.181 to withdraw the holding of abandonment is **DISMISSED**.
The petition under 37 CFR 1.137(b) to revive the abandoned application 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(b)". This is not a final agency decision.

This application became abandoned on August 10, 2011, for failure to timely respond to the non-Final Office Action mailed May 9, 2011, which set a three (3) month period for reply. Accordingly, a Notice of Abandonment was mailed December 2, 2011.

Petitioner asserts an unintentional delay in responding to the non-Final Office action because of non-receipt.

At the outset, please understand that abandoned applications can be reinstated with a petition to withdraw the holding of abandonment under 37 CFR 1.181 or revived with a petition to revive under either the unavoidable standard, 37 CFR 1.137(a) or the unintentional standard of review under 37 CFR 1.137(b).

While there are no fees associated with a petition under 37 CFR 1.181 the petitioner must show, as in this instance where they are claiming non-receipt that they are without fault in not receiving the communication. In the absence of any irregularity in the mailing, there is a strong presumption that the Office action was properly mailed to the address of record. This presumption may be overcome by a showing that the Office action was not in fact received at the address of record.

Unlike the petition under 37 CFR 1.181, petitions to revive amongst other requirements carry with them a fee for revival. At this writing, the small entity fee for a petition to revive, unintentional, 37 CFR 1.137(b),[1] is $930.00 and the large entity fee is $1860.00. Petitioner claims the delay in filing a timely response is unintentional, due to non-receipt, but has not submitted the required fee with the petition under 37 CFR 1.137(b).

Petitioner has also not substantiated the claim of non-receipt with any corroborating evidence to prove non-receipt and thus cannot prevail under 37 CFR 1.181.

If petitioner chooses to filed a renewed petition under 37 CFR 1.137(b), the filing of the 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 Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

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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)).

By FAX: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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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.
12/380,094	02/24/2009	Lap Wai Chow	G&C 203. 18-US-01	3379

22462 7590 03/07/2012
GATES & COOPER LLP
HOWARD HUGHES CENTER
6701 CENTER DRIVE WEST, SUITE 1050
LOS ANGELES, CA 90045

EXAMINER
LEVIN, NAUM B

ART UNIT	PAPER NUMBER
2825	

MAIL DATE	DELIVERY MODE
03/07/2012	PAPER

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March 7, 2012

GATES & COOPER LLP
HOWARD HUGHES CENTER
6701 CENTER DRIVE WEST, SUITE 1050
LOS ANGELES CA 90045

In re Application of	:	
Lap Wai Chow et al.	:	**DECISION ON PETITION**
Application No. 12380094	:	
Filed: 2/24/2009	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. G&C 203. 18-US-01	:	***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) February 24, 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.
12/380,137	02/24/2009	Satoshi Arai	23857	8297

23389 7590 12/28/2010
SCULLY SCOTT MURPHY & PRESSER, PC
400 GARDEN CITY PLAZA
SUITE 300
GARDEN CITY, NY 11530

EXAMINER
BANKS HAROLD, MARSHA DENISE

ART UNIT	PAPER NUMBER
2482	

MAIL DATE	DELIVERY MODE
12/28/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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DEC 28 2010

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

SCULLY SCOTT MURPHY & PRESSER, PC
400 GARDEN CITY PLAZA
SUITE 300
GARDEN CITY, NY 11530

In Re Application of
ARAI, SATOSHI, et al.
Application Serial No. 12/380,137
Filed: February 24 2009
For: **IMAGE PROCESSING APPARATUS AND IMAGE PROCESSING METHOD**

DECISION ON PETITION TO ACCEPT COLOR PHOTOGRAPHS

This is a decision on the petition under 37 C.F.R. § 1.84(a)(2), filed February 24, 2009, requesting acceptance of color photographs.

The petition requests that the color photographs, noted as figures 7 and 10 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 met the requirements set forth above. Accordingly, the petition is **Granted**.

/Mehrdad Dastouri/

Mehrdad Dastouri
Quality Assurance Specialist
Technology Center 2400
(571) 272-7418

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RICHARD D. MULTER
50 West Rose Nye Way
Shelton WA 98584

MAILED

OCT 31 2011

OFFICE OF PETITIONS

In re Application of :
Sims et al. :
Application No. 12/380,215 : DECISION ON PETITION
Filed: February 25, 2009 :
Attorney Docket No. 2053-124B :
For: OPTICAL SIGHTING DEVICES :

This is a decision on the petition, filed September 22, 2011, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition to withdraw the holding of abandonment is **GRANTED**.

This application was held abandoned for failure to reply to the restriction requirement mailed December 28, 2010, which set a one (1) month shortened statutory period for reply. A Notice to Requiring Extension of Time Fee was mailed on February 2, 2011. A Notice of Abandonment was mailed on August 18, 2011.

Petitioner contends that the response submitted on February 2, 2011 included a certificate of mailing dated January 24, 2011.

Pursuant to 37 CFR 1.8, correspondence will be considered timely if the party who forwarded such correspondence:

> 1) Correspondence will be considered as being timely filed if:
> (i) The correspondence is mailed or transmitted prior to expiration of the set period of time by being:
> (A) Addressed as set out in § 1.1(a) and deposited with the U.S. Postal Service with sufficient postage as first class mail;
> (B) Transmitted by facsimile to the Patent and Trademark Office in accordance with § 1.6 (d); or
> (C) Transmitted via the Office electronic filing system in accordance with § 1.6(a)(4); and
> (ii) The correspondence includes a certificate for each piece of correspondence stating the date of deposit or transmission. The person signing the certificate should have reasonable basis to expect that the correspondence would be mailed or transmitted on or before the date indicated.

The petition satisfies the above requirements of 37 CFR 1.8. Accordingly, the holding of abandonment for failure to timely file a reply to the Office action of December 28, 2010 is hereby withdrawn and the application restored to pending status.

The Office has located the original reply received on February 2, 2011 with the certificate of mailing dated January 24, 2011.

This application is being referred to Technology Center AU 3641 for appropriate action in the normal course of business on the reply received on February 2, 2011.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.

/Charlema Grant/
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
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RICHARD D. MULTER
2529 14TH AVENUE CT
GREELEY, CO 80631

MAILED
FEB 21 2012
OFFICE OF PETITIONS

In re Application of
Steven C. Sims, et al.
Application No. 12/380,215
Filed: February 25, 2009
Attorney Docket No. 2053-124B

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed January 12, 2011.

The request is **NOT APPROVED**.

The Office will no longer approve requests from practitioners to withdraw from application where the requesting practitioners is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34. In these situations, the practitioner is responsible for the correspondence the practitioner files in the application while acting in a representative capacity. As such, there is no need for the practitioner to obtain the Office's permission to withdraw from representation. However, practitioners acting in a representative capacity, like practitioners who have power of attorney in the application, remain responsible for noncompliance with 37 CFR 1.56, as well as 37 CFR 10.18, with respect to the documents they file.

A review of the file record indicates that Richard D. Multer 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.

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). The power of attorney filed on February 25,

2009 did not include a proper statement under 37 CFR 3.73(b). A Notice Regarding Power of Attorney was mailed March 18, 2009.

All future communications from the Office will continue to be directed to the below-listed address until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: STEVEN SIMS
50 W. ROSE NYE WAY
SHELTON, WA 98584

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Paper No.

MAILED

JAN 12 2012

OFFICE OF PETITIONS

Eui Lee
15433 Bassford Road
Waldorf MD 20601

In re Application of :
Eui Whee Lee :
Application No. 12/380,243 : DECISION ON PETITION
Filed: February 25, 2009 : UNDER 37 C.F.R. § 1.137(B)
Title: EXECUTIVE ESCAPE SYSTEM :
FROM HIGH RISE AND PROCESS FOR :
MAKING SAME :

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed on December 22, 2011, to revive the above-identified application.

This petition pursuant to 37 C.F.R. § 1.137(b) is **DISMISSED**.

The above-identified application became abandoned for failure to reply in a timely manner to a non-final Office action, mailed April 26, 2011, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on July 27, 2011. A notice of abandonment was mailed on November 16, 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 a portion of the petition fee and the proper statement of unintentional delay.

Petition fee requirement

The fee for filing a petition to revive an unintentionally abandoned application under 37 C.F.R. § 1.137(b) is presently set forth in 37 C.F.R. § 1.17(m) as being $930 for an other than large entity. With this petition, Petitioner included $65. Moreover, the electronic file does not contain a general authorization to charge any fee deficiencies to a Deposit Account.

The payment of the required petition fee *in full* is a prerequisite to the filing of a petition to revive pursuant to 37 C.F.R. § 1.137. Therefore, consideration of the merits of the petition before receipt of the filing fee would be premature. See M.P.E.P. § 711.03(c)(III)(B), which sets forth, *in toto*:

> 35 U.S.C. 41(a)(7) provides that a petition for the revival of an unintentionally abandoned application or for the unintentionally delayed payment of the issue fee must be accompanied by the petition fee set forth in 37 CFR 1.17(m), unless the petition is filed under 35 U.S.C. 133 or 151 (on the basis of unavoidable delay), in which case the fee is set forth in 37 CFR 1.17(l). Thus, unless the circumstances warrant the withdrawal of the holding of abandonment (i.e., it is determined that the application is not properly held abandoned), **the payment of a petition fee to obtain the revival of an abandoned application is a statutory prerequisite to revival of the abandoned application, and cannot be waived** (emphasis added).
>
> In addition, the phrase "[o]n filing" in 35 U.S.C. 41(a)(7) means that the petition fee is required for the filing (and not merely the grant) of a petition under 37 CFR 1.137. See H.R. Rep. No. 542, 97th Cong., 2d Sess. 6 (1982), reprinted in 1982 U.S.C.C.A.N. 770 ("[t]he fees set forth in this section are due on filing the petition"). Therefore, the Office: (A) will not refund the petition fee required by 37 CFR 1.17(l) or 1.17(m), regardless of whether the petition under 37 CFR 1.137 is dismissed or denied; and (B) will not reach the merits of any petition under 37 CFR 1.137 lacking the requisite petition fee.

> The phrase "unless the petition is filed under [35 U.S.C.] 133 or 151" signifies that petitions to revive filed on the basis of "unavoidable" delay (under 35 U.S.C. 133 or 151) are a subset of petitions to revive filed on the basis of unintentional delay. That is, "unavoidable" delay and "unintentional" delay are not alternatives; "unavoidable" delay is the epitome of "unintentional" delay. Any petition to revive an abandoned application or lapsed patent must meet the minimal "unintentional" delay threshold, and an applicant need only pay the fee specified in 37 CFR 1.17(l) (rather than the fee specified in 37 CFR 1.17(m)) if the petition is also accompanied by an adequate showing that the entire delay in filing the required reply, from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a), was unavoidable.

If reconsideration of this decision is desired, any response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.137(b)". This is not a final agency action within the meaning of 5 U.S.C § 704.

Petitioner must submit an additional $865 ($930 less the $65 already submitted) if he wishes for the Office to consider this petition under the unintentional standard.

It is further noted that Petitioner has asserted that the non-final Office action of April 26, 2011 was not received. A courtesy copy of this Office communication has been included with this decision.

Any subsequent filing pertaining to the abandonment of this application should indicate that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[1] hand-delivery,[2] or facsimile.[3] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[4]

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

---

1 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
2 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
3 (571) 273-8300: please note this is a central facsimile number.
4 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html

Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225.[5]

Paul Shanoski
Senior Attorney
Office of Petitions

cc: courtesy copy of the non-final Office action, mailed on April 26, 2011

5 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

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United States Patent and Trademark Office
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MAILED
FEB 27 2012
OFFICE OF PETITIONS

Eui Lee
15433 Bassford Road
Waldorf MD 20601

In re Application of Eui Whee Lee Application No. 12/380,243 Filed: February 25, 2009 Title: EXECUTIVE ESCAPE SYSTEM FROM HIGH RISE AND PROCESS FOR MAKING SAME	:	DECISION ON PETITION UNDER 37 C.F.R. § 1.181

This is a decision on the petition filed on January 20, 2012, pursuant to 37 C.F.R. § 1.181, requesting that the holding of abandonment in the above-identified application be withdrawn.

This petition is **DISMISSED.**

The above-identified application became abandoned for failure to reply in a timely manner to a non-final Office action, mailed April 26, 2011, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on July 27, 2011. A notice of abandonment was mailed on November 16, 2011.

A petition pursuant to 37 C.F.R. § 1.137(b) was filed on December 22, 2011, and was dismissed via the mailing of a decision on January 12, 2012.

The showing in this petition pursuant to 37 C.F.R. § 1.181 is not sufficient to withdraw the holding of abandonment. Petitioner has argued that the holding of abandonment should be withdrawn because the non-final Office action was not received due to the fact that it was mailed to the wrong address: Petitioner has indicated that during the prosecution of this application he has moved several times, and "[e]ach time I moved, I sent an address change notice to Commissioner for patent (sic) and post office."

Petitioner has indicated that he resided at the following addresses during the following periods of time:

99 Coggeshall Avenue, Newport, RI, 02840	September 2008 - August 2009
52 Berkeley Avenue, Newport, RI, 02840	September 2009 - September 2010
15433 Bassford Road, Waldorf, MD, 20601	December 2010 - present

This application was filed on February 25, 2009, along with an Application Data Sheet which listed the correspondence address as 99 Coggeshall Avenue, Newport, RI, 02840. Consequently, a notice of missing parts was mailed to this address on March 23, 2009.

On September 28, 2009, Petitioner submitted a Change of Address request, requesting that the correspondence address be changed to 52 Berkeley Avenue, Newport, RI, 02840. Office records show that the correspondence address was updated to this address on October 2, 2009.

On April 26, 2011, the Office mailed the aforementioned non-final Office action to the 52 Berkeley Avenue address, since *that was the address of record at that time*.

On August 5, 2011, *subsequent to the mailing of the April 26, 2011 non-final Office action*, Petitioner submitted a Change of Address request, requesting that the correspondence address be changed to 15433 Bassford Road, Waldorf, MD, 20601. Office records show that the correspondence address was updated to this address on August 29, 2011.

It follows that the non-final Office action of April 26, 2011 was sent to the proper address. **The request to change the correspondence address of record to the Waldorf, MD address was not submitted until several months after the mailing of the non-final Office action.**

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. § 1.181(a)." This is not a final agency action within the meaning of 5 U.S.C § 704.

Alternatively, Petitioner may wish to consider filing a petition pursuant to 37 C.F.R. §§ 1.137(a)[1] and/or (b).[2] Unless

1 The fee that is associated with the filing of this petition is presently set at $310 for a small entity. Petitioner may download the associated form here: http://www.uspto.gov/web/forms/sb0061.pdf.

Petitioner believes that he can successfully assert that the entire period of delay was unavoidable, he may wish to file pursuant to the unintentional standard. Petitioner may download information about these petitions here: http://www.uspto.gov/web/offices/pac/mpep/documents/0700 711 03 c.htm#sect711.03c

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]

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[6]

Paul Shanoski
Senior Attorney
Office of Petitions

2 The fee that is associated with the filing of this petition is presently set at $930 for a small entity. Petitioner may download the associated form here: http://www.uspto.gov/web/forms/sb0064.pdf.
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 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/380,255	02/24/2009	Richard McPeak	8710P001	9214

8791 7590 08/01/2011
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

EXAMINER
SOUW, BERNARD E

ART UNIT	PAPER NUMBER
2881	

MAIL DATE	DELIVERY MODE
08/01/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

AUG 1 2011

In re Application of	:	
MCPEAK	:	DECISION ON PETITION
Application No. 12/380,255	:	TO ACCEPT COLOR
Filed: February 24, 2009	:	DRAWINGS
Attorney Docket No. 8710P001	:	

This is a decision on the petition under 37 C.F.R. 1.84(a)(2), filed on February 24, 2009 to permit color drawings for the above-identified application. The petition is being considered under 37 C.F.R. 1.84(b)(2) for color photographs.

The petition is **GRANTED.**

A grantable petition under 37 C.F.R. 1.84(b)(2) requires submission of the following: 1) the appropriate fee set forth in 37 C.F.R. 1.17(h); 2) three sets of color drawings; and 3) the required text language in the first paragraph of the brief description of the drawings section of the specification set forth in 37 C.F.R. 1.84 (a)(2)(iii). The requirement for three sets of color drawings under 37 C.F.R. 1.84(a)(2)(ii) is not applicable to color drawings submitted via Electronic Filing System-Web ("EFS-Web"). Therefore, only one set of such color drawings is necessary when filing via EFS-Web.

The documents filed on February 24, 2009 comply with the requirements set forth in 37 C.F.R. 1.84(a)(2) and the Legal Framework for EFS-Web.

Telephone inquires concerning this decision should be directed to Robert H. Kim at 571-272-2293.

For Robert H. Kim
Supervisory Patent Examiner, Art Unit 2881
Technology Center 2800

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	12380283
Filing Date	25-Feb-2009
First Named Inventor	Konrad Moessnang
Art Unit	3721
Examiner Name	STEPHEN GERRITY
Attorney Docket Number	MULT 0111 PUSA
Title	DEVICE AND METHOD FOR POSITIONING OF NOZZLES

An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).

A grantable petition requires the following items:
(1) Petition fee; and
(2) One of the following reasons:
(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;
(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or
(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).

Petition Fee

☐ Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

☐ Applicant(s) status remains as SMALL ENTITY.

☒ Applicant(s) status remains as other than SMALL ENTITY

Reason for withdrawal from issue

○ One or more claims are unpatentable

◉ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)

○ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request,submission, and fee.

☐ I certify, in accordance with 37 CFR 1.4(d)(4) that : The RCE request ,submission, and fee have already been filed in the above-identified application on

☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

◉ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.

○ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.

○ A sole inventor

○ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors

○ A joint inventor; all of whom are signing this e-petition

○ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Mark E. Stuenkel/
Name	Mark E. Stuenkel
Registration Number	44364

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : May 6,2011

In re Application of :

Konrad Moessnang

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12380283

Filed : 25-Feb-2009

Attorney Docket No : MULT 0111 PUSA

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed May 6,2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 3721 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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INTELLECTUAL PROPERTY GROUP
FREDRIKSON & BYRON, P.A.
200 SOUTH SIXTH STREET, SUITE 4000
MINNEAPOLIS, MN 55402

MAILED
JAN 06 2011
OFFICE OF PETITIONS

In re Application of
Shaun E. SULLIVAN
Application No. 12/380,285
Filed: February 25, 2009
Attorney Docket No. **55809.1.14.1.1**

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 20, 2010.

The request is **NOT APPROVED**.

The request to withdraw as attorney/agent of record and change of correspondence address is hereby not accepted. Petitioner has not complied with current USPTO requirements, set forth in 37 CFR 10.40 concerning Request for Withdrawal as Attorney and Change of Correspondence Address.

Petitioner has not properly submitted forwarding correspondence address information for the application.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71 (c) states:

> ***An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73 (b) that is signed by a party who is authorized to act on behalf of the assignee.***

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

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 be directed to the above-listed address until otherwise properly notified by the applicant or a change of correspondence address containing a proper 3.73(b) statement has been submitted.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 7253. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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INTELLECTUAL PROPERTY GROUP
FREDRIKSON & BRON, PA
200 SOUTH SIXTH STREET, SUITE 4000
MINNEAPOLIS, MN 55402

MAILED

JAN 25 2011

OFFICE OF PETITIONS

In re Application of :
Shaun E. SULLIVAN :
Application No. 12/380,285 :
Filed: February 25, 2009 :
Attorney Docket No. **55809.1.14.1.1** :

DECISION ON PETITION TO WITHDRAW FROM RECORD

CORRECTED DECISION

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 20, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Eric J. Snustad on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future communications from the Office will be directed to the assignee of the entire interest at the address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **GREENCENTAIRE, LLC**
SHAUN E. SULLIVAN C/O WILLIAM GHIROSO
495 STATE STREET, SUITE 500
SALEM, OR 97301

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.
12/380,308	02/26/2009	Brian F. Volkman	650053.00133	4127

26710 7590 12/27/2010
QUARLES & BRADY LLP
411 E. WISCONSIN AVENUE
SUITE 2040
MILWAUKEE, WI 53202-4497

EXAMINER
SPECTOR, LORRAINE

ART UNIT	PAPER NUMBER
1647	

NOTIFICATION DATE	DELIVERY MODE
12/27/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

pat-dept@quarles.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

December 27, 2010

QUARLES & BRADY LLP
411 E. WISCONSIN AVENUE
SUITE 2040
MILWAUKEE WI 53202-4497

In re Application of	:	
Brian F. Volkman et al.	:	**DECISION ON PETITION**
Application No. 12380308	:	
Filed: 02/26/2009	:	
Attorney Docket No. 650053.00133	:	

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) February 26, 2009. In response to the "Notice to File Missing Parts..." dated March 26, 2009, replacement drawings were submitted on May 26, 2009. The replacement sheets were not submitted in color.

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 EFS filings), and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

"The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee."

The petition did not meet the following requirement(s). 1 ☐ 2 ☑ 3 ☐

A renewed petition filed under 37 C.F.R. 1.84(a)(2) must be filed within TWO (2) MONTHS of this decision. If a renewed petition is not filed within the TWO (2) Months of this decision the drawings will be printed in black and white.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Don Fairchild/
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

17 SEP 2010

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Jonathan P. O"Brien, Ph.D.
Honigman Miller Schwartz and Cohn
350 East Michigan Avenue
Suite 300
Kalamazoo MI 49007

In re Application of TAYLOR	:
Application No.: 12/380,323	: DECISION ON PETITION
Filing: 26 February 2009	:
Attorney Docket No.: 223306/06-138/124166	: UNDER 37 CFR 1.78(a)(3)
For: METHOD FOR IDENTIFYING	:
PROTEASE INHIBITORS	:

This is a decision on Petitioner's "Petition under 37 CFR 1.78(a)(6)", being treated under 37 CFR 1.78(a)(3), filed 02 July 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for benefit of priority to the international application identified in the concurrently filed amendment to the specification.

At the time of filing the present application, applicant did not make a proper claim for domestic priority. Thus, the filing of a petition under 37 CFR 1.78(a)(3) is necessary. Such petition is hereby **GRANTED.**

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;

(2) the surcharge set forth in § 1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that (1) a reference to the prior-filed international application has been included in an amendment to the first sentence of the specification following the title, as provided by 37 CFR 1.78(a)(2)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a statement of unintentional delay which is construed as "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". Accordingly, having found that the petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. §§ 120 to the prior-filed nonprovisional application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this 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 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.

Any inquiries concerning this decision may be directed to Cynthia M. Kratz at (571) 272-3286. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

Cynthia Kratz for
Bryan Lin
Legal Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES 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. : **7963692**
Ser. No. : **12/380331**
Inventor(s) : **LYNN, JOHN MORRIS**
Issued : **06/21/2011**
Title : **MONITORING APPARATUS**
Docket No. :

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

In regards to the alleged error(s) in the Specification, Column 1 Line 10 is printed in accordance with the Specification filed on 2-26-09. A $100 fee is required for an applicant's error.

In view of the foregoing, your request, in this matter, is hereby denied.

Omega Lewis
For Mary Diggs
Decisions & Certificates
Of Correction Branch
(703)756-1575 or (703) 756-1814

John Lynn
333 King Arthur Ct
Austin TX 78746

OL

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PATRICK REILLY
PO BOX 7218
SANTA CRUZ CA 95061-7218

MAILED

APR 05 2012

OFFICE OF PETITIONS

In re Application of	:	
Harold Lee Peterson	:	
Application No. 12/380,406	:	ON PETITION
Filed: February 25, 2009	:	
Attorney Docket No. DDNI-018	:	
	:	

This is a decision on the petition to revive under 37 CFR 1.137(b), filed March 14, 2012.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above application became abandoned for failure to timely file a reply to the non-final Office action mailed July 27, 2011. This Office set a shortened statutory period for reply of three months. No reply having been received, the application became abandoned on October 28, 2011. The Office mailed a Notice of Abandonment on February 23, 2012.

With the instant petition, petitioner has made the proper statement of unintentional delay, paid the petition fee, and submitted the required reply in the form of an Amendment.

The application is being forwarded to Group Art Unit 2116 for consideration of the Amendment, filed March 12, 2012.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : October 20,2011

In re Application of :

Anders Andreasson

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12380414

Filed : 27-Feb-2009

Attorney Docket No : 139-0001/US

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed October 20,2011 , 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 1736 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	12380414
Filing Date	27-Feb-2009
First Named Inventor	Anders Andreasson
Art Unit	1736
Examiner Name	EDWARD JOHNSON
Attorney Docket Number	139-0001/US
Title	CATALYTIC REDUCTION OF NOX

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	/Gregory P. Brummett/
Name	Gregory P. Brummett
Registration Number	41646

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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FLYNN THIEL BOUTELL & TANIS, P.C.
2026 RAMBLING ROAD
KALAMAZOO MI 49008-1631

MAILED
JUN 15 2011
OFFICE OF PETITIONS

In re Application:	:	
Stahlecker et al.	:	
Application No. 12/380,423	:	ON PETITION
Filed: February 27, 2009	:	
Attorney Docket No. 5000.P0201US	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed May 2, 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

NOVARTIS INSTITUTES FOR BIOMEDICAL RESEARCH, INC.
220 MASSACHUSETTS AVENUE
CAMBRIDGE MA 02139

MAILED

JUN 23 2011

OFFICE OF PETITIONS

In re Application of	:	
BURGER et al.	:	
Application No. 12/380,458	:	DECISION GRANTING PETITION
Filed: 02/26/2009	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 52586-US-NP	:	

This is a decision on the petition under 37 CFR 1.78(a)(6), filed June 15, 2011, to accept an unintentionally delayed claim under 35 U.S.C. 119(e) for the benefit of prior-filed provisional Application No. 61/033,359 filed March 3, 2008.

The petition is **GRANTED**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

(1) the reference required by 35 U.S.C. 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Additionally, the present nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Further, the nonprovisional application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application.

All of the above requirements having been satisfied, the late claim under 35 U.S.C. 119(e) for the benefit of the prior-filed provisional is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. 119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the benefit claim to the prior-filed provisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3211. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

The application is being forwarded to Technology Center AU 1625 for consideration by the examiner of the claim under 35 U.S.C. 119(e) for the benefit of the prior-filed provisional application.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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
12/380,458	02/26/2009	1625	1984	52586-US-NP	20	2

CONFIRMATION NO. 1136

CORRECTED FILING RECEIPT

75074
NOVARTIS INSTITUTES FOR BIOMEDICAL RESEARCH, INC.
220 MASSACHUSETTS AVENUE
CAMBRIDGE, MA 02139

OC000000048346742

Date Mailed: 06/22/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Matthew Burger, Albany, CA;
Jiong Lan, Moraga, CA;
Mika Lindvall, Oakland, CA;
Gisele Nishiguchi, Albany, CA;
Michelle Tetalman, Oakland, CA;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This appln claims benefit of 61/033,359 03/03/2008

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see http://www.uspto.gov for more information.)

If Required, Foreign Filing License Granted: 03/19/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/380,458**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Pim kinase inhibitors and methods of their use

Preliminary Class

514

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

January 27, 2012

PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND OH 44114-3108

Re Application of
ZAHOS, PETER A., ET AL.
Application: **12/380469**
Filed: **02/27/2009**
Attorney Docket No: **CCFI-35091US7**

: **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) 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW Jan-11

TREX ENTERPRISES CORP.
10455 PACIFIC COURT
SAN DIEGO CA 92121

MAILED
JAN 03 2011
OFFICE OF PETITIONS

In re Application of :
Davis et al. :
Application Number: 12/380473 : ON PETITION
Filing Date: 02/26/2009 :
Attorney Docket Number: 888 :
:

This is a decision in response to the petition under 37 CFR 1.137(b) filed on October 25, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on July 13, 2009, for failure to timely respond to the Notice to File Missing Parts of Nonprovisional Application mailed on May 12, 2009, which set a two (2) month shortened period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on January 22, 2010.

Receipt of the declaration pursuant to 37 CFR 1.63, surcharge, and replacement drawings is acknowledged.

The application is referred to the Office of Patent Application Processing for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

DWood
Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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.
12/380,520	02/27/2009	Phillip H. Klesius	0076.08	4432

7590 06/23/2011
USDA, ARS, OTT
5601 SUNNYSIDE AVE
RM 4-1159
BELTSVILLE, MD 20705-5131

EXAMINER
ARCHIE, NINA

ART UNIT	PAPER NUMBER
1645	

MAIL DATE	DELIVERY MODE
06/23/2011	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

FORM PTOM327-5 (Rev. 02/08)

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

June 23, 2011

USDA, ARS, OTT
5601 SUNNYSIDE AVE
RM 4-1159
BELTSVILLE MD 20705-5131

In re Application of	:	
Klesius, Phillip H. et, al	:	**DECISION ON PETITION**
Application No. 12/380,520	:	
Filed: 02/27/2009	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. 0076.08	:	***DRAWINGS***

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) 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 contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Diane Terry/
Quality Control Specialist
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Robert Morin
11 27th Ave., #202
Venice CA 90291

MAILED
JAN 26 2012
OFFICE OF PETITIONS

In re Application of	:	
Morin	:	
Application No.: 12/380,541	:	ON PETITION
Filed: March 2, 2009	:	
Attorney Docket No:	:	

This is in response to the petition under 37 CFR 1.137(b) filed December 16, 2011.

The petition is DISMISSED.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. 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 application became abandoned for failure to respond in a timely and proper manner to the final Office action mailed August 3, 2010. The notice set a shortened statutory period for reply of three-months from its mailing date. Extensions of time were available pursuant to 37 CFR 1.136(a). The application became abandoned on November 4, 2010. A Notice of Abandonment was mailed on March 22, 2011.

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 pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a non-provisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee, or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

- The instant petition does not satisfy the requirements of item (1) above.

Examiner Zachary Snyder has reviewed the amendment filed December 16, 2011, and determined that the amendment does not place the application in condition for allowance. The petition must, therefore, be dismissed. To be considered grantable, the renewed petition must be accompanied by an amendment that places the application in condition for allowance, a Request for Continued Examination under 37 CFR 1.114, or a Notice of Appeal and fee.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address of currently of record until such time as appropriate instructions are received to the contrary.

Further correspondence with respect to this matter should be addressed as follows:

By mail:

Mail Stop Petitions
Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

Questions regarding the amendment to be filed with the renewed petition must be addressed to Examiner Snyder. Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Cc:
Ulesses C. Henderson
The Eclipse Group, LLP
6345 Balboa Blvd.
Bldg.11, Suite 325
Encino, CA 91316

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov

MAILED
MAR 23 2012
OFFICE OF PETITIONS

Robert Morin
11 27th Ave., #202
Venice CA 90291

In re Application of	:
Morin	:
Application No.: 12/380,541	: ON PETITION
Filed: March 2, 2009	:
Attorney Docket No:	:

This is in response to the renewed petition under 37 CFR 1.137(b) filed March 7, 2012.

The petition is DISMISSED.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition" under 37 CFR 1.137(b)."

This application became abandoned for failure to respond in a timely and proper manner to the final Office action mailed August 3, 2010. The notice set a shortened statutory period for reply of three-months from its mailing date. Extensions of time were available pursuant to 37 CFR 1.136(a). The application became abandoned on November 4, 2010. A Notice of Abandonment was mailed on March 22, 2011.

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 pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a non-provisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee, or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

The instant petition does not satisfy the requirements of item (1) above.

Examiner Zachary Snyder reviewed the amendment filed December 16, 2011, and determined that the amendment did not place the application in condition for allowance. With the instant renewed petition, petition, petitioner simply filed a copy of the same amendment filed December 16, 2011, without an Request for Continued Examination, notwithstanding that Examiner Snyder already determined that the amendment did not place the application in condition for allowance. A proper reply to the final Office action has not been received. The petition must, therefore, be dismissed. To be considered grantable, the renewed petition must be accompanied by an amendment that places the application in condition for allowance, a Request for Continued Examination under 37 CFR 1.114, or a Notice of Appeal and fee.

Further correspondence with respect to this matter should be addressed as follows:

By mail:

Mail Stop Petitions
Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

Questions regarding the amendment to be filed with the renewed petition must be addressed to Examiner Snyder. Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DR. HANS-WERNER WEISSKIRCHER
SCHAUINSLAND 31
IGEL 54298 DE GERMANY

MAILED
JUN 02 2011
OFFICE OF PETITIONS

In re Application of :
Hans-Werner Weisskricher :
Application No. 12/380,546 : DECISION ON PETITION
Filed: March 2, 2009 :
Title: Carrier For Thin-Film Force Sensor For :
Measuring Masticatory Forces

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 11, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to reply in a timely manner to the final Office action mailed August 9, 2010. No extensions of time under the provisions of 37 CFR 1.136(a) were timely obtained. Accordingly, this application became abandoned on November 10, 2010. A Notice of Abandonment was mailed March 17, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $405.00 and the submission required by 37 CFR 1.114; (2) the petition fee of $810.00; and (3) a proper statement of unintentional delay.

Further, it is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must notify the Office. Additionally, it is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute this 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. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Additionally, 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 duplicate $555.00, three- month extension of time fees submitted on April 11, 2011 were subsequent to the maximum extendable period for reply, these fees are unnecessary and will be refunded to petitioner's deposit account and credit card.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This matter is being referred to Technology Center 3736 for processing of the Request for Continued Examination under 37 CFR 1.114 and the Amendment filed with the instant petition.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Neil P. Ferraro
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2206

UNITED STATES PATENT AND TRADEMARK 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.
12/380,557	02/26/2009	Edward S. Boyden	0508-004-001C-C00001	9821

44765 7590 03/09/2012
THE INVENTION SCIENCE FUND
CLARENCE T. TEGREENE
11235 SE 6TH STREET
SUITE 200
BELLEVUE, WA 98004

EXAMINER
RIDER, LANCE W

ART UNIT	PAPER NUMBER
1618	

MAIL DATE	DELIVERY MODE
03/09/2012	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

MAR 0 9 2012

Melanie K. Kitzan Haindfield
11235 SE 6TH STREET
SUITE 200
BELLEVUE WA 98004

In re Application of :
Boyden et al :Decision on Petition
Serial No.: 12/380,557 :
Filed : 26 February 2009 :
Attorney Docket No.: 0508-004-001C-C00001:

This letter is in response to the Renewed Petition under 37 C.F.R. 1.144 filed on 14 February 2012 requesting reconsideration of the restriction requirement mailed 26 May 2011. This petition was timely filed after the requirement was made final but before the filing of a notice of appeal. No fee is required for this petition.

BACKGROUND

This application was filed as a national application under 35 U.S.C. 111(a) and as such is entitled to consideration under restriction practice under Chapter 800.

On 26 May 2011, the examiner required applicants to elect a single disclosed species of therapeutic agent, a species of a biological tissue and a species of detection material.

On 25 July 2011, applicants elected an anti-inflammatory agent for therapeutic agent, an electronic identification device for detection material and skin for the biological tissue. The elections were made with traverse.

On 14 November 2011, the examiner prepared an Office action in which the traversal was considered and found persuasive in part. The requirement to elect a single therapeutic agent was withdrawn. The requirements to elect a single detection material and a single biological tissue were maintained and made final. It is unclear which claims were withdrawn from examination: on page 5, the examiner states that Claims 118-125, 136, 146-149 and 151-154 were withdrawn from consideration as being directed to non-elected species. On page 2, the examiner states that

Claims 118, 120, 122-123, 125, 136, 146-149 and 151-154 were withdrawn from consideration as being directed to non-elected species. The remaining claims were rejected under an assortment of prior art and provisional double patenting rejections.

On 14 February 2012, applicants filed a response, along with this petition.

DISCUSSION

The file history of the instant application has been considered carefully.

Before turning to the merits of the petition, upon review of the file it is evident that the examiner is not following the guidance in the 21 January 2010 Memorandum entitled Changes to Restriction Form Paragraphs. A copy of the memo may be found at this link:

www.uspto.gov/patents/law/exam/20100121_rstrctn_fp_chngs.pdf

The memo provides the following guidance:

> "First, it is never appropriate to require an election between species (or inventions) that are not patentably distinct. In setting forth the species from which an applicant is required to elect, the examiner should group together species that are not patentably distinct from each other. Form paragraphs 8.01 and 8.02 have been revised by adding references to "grouping(s) of patentably indistinct species" so as to permit examiners to require election of either a single species or a single grouping of patentably indistinct species. As explained in the examiner notes, where the election requirement identifies a grouping of patentably indistinct species, applicant should not be required to elect a specific species within that grouping."

Here, the examiner has required applicants to elect a single disclosed species, instead of permitting applicants to elect either a species or a single grouping of patentably indistinct species.

Turning now to matters raised by the petition, the petition requests reconsideration of the election of species requirements. On 26 May 2011, the examiner had required applicants to elect

(A): a single disclosed therapeutic agent
(B): a single disclosed biological tissue and.
(B): a single disclosed detection material.

On 14 November 2011, the examiner withdrew the requirement to elect a single disclosed therapeutic agent, however the other two requirements were maintained.

Original independent claim 79, and independent, newly filed claims 163-165, are directed to a method for abrasion of at least one biological tissue surface of a subject. Independent claim 132 is directed to a method for debridement of at least one biological tissue of a subject. Independent Claim 155 is directed to a method of cleaning one or more wounds in a subject.

The following claims were withdrawn from examination as not being limited to "skin" which was the elected species of "biological material":

> Independent claim 146, was withdrawn as being directed to a method of removing one or more materials from at least one blood vessel.
>
> Claims 147-149 and 151-154 were withdrawn as they depend from Claim 146 and recites further limitations, none of which are "skin."
>
> Claim 136 depends upon claim 135 (which was examined) and requires the biological tissue to include connective tissue which is at least one ligament or tendon.

The types of biological materials or tissue types which would be treated in the claimed methods are not "species" in the sense that they are not mutually exclusive. Practice of the method on a wound, a skinned knee, for example, would necessarily require treatment of abrading any open blood vessels (capillaries, arteries and/or veins) which occurred as a result of the injury, in addition to the cleaning of the skin. The presence of the blood vessels would be evident as a result of the presence of the blood which accompanies a skinned knee. More serious puncture wounds upon which this method may be practiced, would involve not only treatment of skin, and the underlying tissues (muscles, arteries, veins, capillaries) but also any connective tissue, including ligaments or tendons which are present in the area which had been injured. Other examples, such as burns or surgical sites, would also involve more that the treatment of the single biological tissue type of skin. Because of the interconnectedness between tissue types, the requirement to elect a single type of tissue to be treated is not consistent with MPEP 806.04(f) which provides the following guidance for restriction between mutually exclusive species:

> "Where two or more species are claimed, a requirement for restriction to a single species may be proper if the species are mutually exclusive. Claims to different species are mutually exclusive if one claim recites limitations disclosed for a first species but not a second, while a second claim recites limitations disclosed only for the second species and not the first. This may also be expressed by saying that to require restriction between claims limited to species, the claims must not overlap in scope."

Moreover, this type of election requirement is inconsistent with 806.04(h), that requires species to be patentably distinct from each other.

> "In making a requirement for restriction in an application claiming plural species, the examiner should group together species considered clearly unpatentable over each other."

Turning now to the requirement to elect a single type of detection material, the following claims were withdrawn from examination as not being limited to "electronic identification device" which was the elected species of "detection material":

Claims 120 and 122, dependent directly or indirectly upon claim 120 and recite wherein the detection material includes at least one colorimetric substance.

Claim 123 depends upon claim 123 and recites wherein the at least one detection substance is a light-emitting substance.

Claim 125 depends upon claim 112 and is directed to an at least one detection material which includes magnetic particles.

This type of requirement is also inconsistent with MPEP 806.04(f). The claims are directed to use of at least one detection device, leaving open the concept of employing multiple detection devices. For example, both a dye and a magnetic particle could be combined with the elected electronic identification device for the purpose of detection.

Applicants' concerns about the propriety of requiring an election for disclosed species and withdrawing claims to non-elected species are noted but these concerns are not addressed herein as they are directed to policy issues which go beyond the scope of this petition decision.

DECISION

For these reasons, the petition filed under 37 CFR 1.144 on 18 November 2011 is **GRANTED**.

The election of species requirements set forth on 26 May 2011 have been withdrawn.

Claims 136, 146-149 and 151-154, withdrawn from examination for not being limited to the elected species of "skin" and claims 120, 122, 123 and 125, withdrawn from examination for not being limited to the elected species of "electronic identification device" are now under examination.

The Office action mailed 14 November 2011 is withdrawn as incomplete for having removed claims 136, 146-149 and 151-154 and claims 120, 122, 123 and 125 from examination.

The application will be forwarded to the examiner to consider the papers filed 14 February 2012 and to prepare an Office action consistent with this petition 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.

Dan Sullivan
(Acting) Director, Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WINSTON & STRAWN LLP
PATENT DEPARTMENT
1700 K STREET, N.W.
WASHINGTON DC 20006

MAILED
AUG 17 2010
OFFICE OF PETITIONS

In re Application of	:	
Robert BALL	:	
Application No. 12/380,564	:	DECISION ON PETITION
Filed: February 27, 2009	:	
Attorney Docket No. 84417-4096	:	

This is a decision on the petition under 37 CFR 1.182, filed March 19, 2010, which is being treated as a petition under 37 CFR 1.181(f).

The petition is **DISMISSED as MOOT**.

37 CFR 1.181(f) states:

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.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney documents must be submitted.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

By internet: EFS-Web
www.uspto.gov/ebc/efs_help.html
for help using EFS-Web call the
Patent Electronic Business Center
at (866) 217-9197)

Telephone inquiries regarding this decision should be directed to Michelle R. Eason at (571) 272- 4231.

Thurman K. Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LEE & HAYES, PLLC
601 W RIVERSIDE
SUITE 1400
SPOKANE, WA 99201

MAILED

MAR 09 2011

OFFICE OF PETITIONS

In re Application of
Alexander J. Cohen, et al.
Application No. 12/380,570
Filed: February 27, 2009
Attorney Docket No. QQ1-0212USC1

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 26, 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.

Petitioner should note that the Office will no longer accept address changes to a new practitioner of law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, the most current address information provided for the first named inventor.

Accordingly, since the request to withdraw from record does not include an acceptable current correspondence address for future communications from the Office, the request cannot be granted at the present time.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary

evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: MARGARET ANDERSON
106 E. 6TH STREET
SUITE 900
AUSTIN, TX 78701

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

John Farah
9727 NE Sandy Blvd
Portland OR 97220

MAILED

JAN 13 2012

OFFICE OF PETITIONS

In re Application of	:	
John Farah	:	
Application No.: 12/380586	:	DECISION ON
Filing or 371(c) Date: 03/02/2009	:	PETITION
Title of Invention:	:	
LENSLESS IMAGING WITH	:	
REDUCED APERTURE	:	

This is a decision in response to the Petition to Withdraw Holding of Abandonment, filed December 12, 2011. The petition is properly treated under 37 CFR 1.181.

This Petition is hereby **dismissed**.

Any further petition must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under [insert the applicable code section]." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Background

The above-identified application became abandoned for failure to timely and properly reply to the final Office action, mailed November 12, 2010. The Office action set a three (3) month period for reply. Extensions of time were available under 37 CFR 1.136(a). Applicant filed a reply to the Office action on February 14, 2011. This Office mailed an Advisory Action on March 2, 2011, advising Applicant that the amendment failed to place the application in condition for allowance. No complete and proper reply to the Office action having been received, the application became abandoned February 15, 2010. A Notice of Abandonment was mailed October 7, 2011.

Petition under 37 CFR 1.181

Applicant petitions for withdrawal of the holding of abandonment and in support of the petition provides that the Advisory Action action was returned as undeliverable because petitioner was living outside of the country at the time of mailing of the Advisory Action. Petitioner files the present petition and includes a change of correspondence address.

Applicable Law, Rules and MPEP

37 CFR 1.135, Abandonment for failure to reply within time period, provides that

> (a) If an applicant of a patent application fails to reply within the time period provided under § 1.134 and § 1.136, the application will become abandoned unless an Office action indicates otherwise.
> (b) Prosecution of an application to save it from abandonment pursuant to paragraph (a) of this section must include such complete and proper reply as the condition of the application may require. The admission of, or refusal to admit, any amendment after final rejection or any amendment not responsive to the last action, or any related proceedings, will not operate to save the application from abandonment. (Emphasis supplied).

MPEP 711.03(c)

The MPEP 711.03(c)(I)(A), Petition To Withdraw Holding of Abandonment Based on Failure To Receive Office Action, explains that

> [e]vidence of nonreceipt of an Office communication or action (e.g., Notice of Abandonment or an advisory action) other than that action to which reply was required to avoid abandonment would not warrant withdrawal of the holding of abandonment. Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment. See Lorenz v. Finkl, 333 F.2d 885, 889-90, 142 USPQ 26, 29-30 (CCPA 1964); Krahn v. Commissioner, 15 USPQ2d 1823, 1824 (E.D. Va. 1990); In re Application of Fischer, 6 USPQ2d 1573, 1574 (Comm'r Pat. 1988).

Initially it is noted that, in this instance, Applicant filed a reply to the final Office action; however, the reply failed to place the application in condition for allowance. The application became abandoned for failure to file "such complete and proper reply as the condition of the application may require." The failure to receive the advisory action prior to abandonment of the application does not warrant withdrawal of the holding of abandonment.

Applicant is advised that the required reply to a final Office action 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).

In this instance, the application became abandoned for failure to file such complete and proper reply [to the final Office action] as the condition of the application required. The reply failed to place the application in condition for allowance.

Alternate venue

Applicant is urged to file a petition stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that

the delay in was "unavoidable." An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required 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 can not 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 revive under 37 CFR 1.137(b).

It is reiterated that the required reply to a final Office action 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).

Finally, Applicant is advised that the MPEP states that "[w]here an attorney or agent of record (or applicant, if he or she is prosecuting the application pro se) changes his or her correspondence address, he or she is responsible for promptly notifying the U.S. Patent and Trademark Office of the new correspondence address (including ZIP Code). See 37 CFR 11.11. The notification should also include his or her telephone number. MPEP 601.03

Further correspondence with respect to this matter should be addressed as follows:

By mail: Director for Patents
PO Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this petition 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

Commissioner for Patents
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MAILED
MAR 23 2012
OFFICE OF PETITIONS

John Farah
9727 NE Sandy Blvd
Portland OR 97220

In re Application of	:	
John Farah	:	
Application No.: 12/380586	:	DECISION ON
Filing or 371(c) Date: 03/02/2009	:	PETITION
Title of Invention:	:	
LENSLESS IMAGING WITH	:	
REDUCED APERTURE	:	

This is a decision in response to the Request for Reconsideration Under 37 CFR 1.181 and Amendment, filed March 13, 2012. The request is properly treated as a renewed petition to withdraw the holding of abandonment under 37 CFR 1.181.

This Petition is hereby **dismissed**.

Any further petition must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under [insert the applicable code section]." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Background

The above-identified application became abandoned for failure to timely and properly reply to the final Office action, mailed November 12, 2010. The Office action set a three (3) month period for reply. Extensions of time were available under 37 CFR 1.136(a). Applicant filed a reply to the Office action on February 14, 2011. This Office mailed an Advisory Action on March 2, 2011, advising Applicant that the amendment failed to place the application in condition for allowance. No complete and proper reply to the Office action having been received, the application became abandoned February 15, 2010. A Notice of Abandonment was mailed October 7, 2011.

December 12, 2012 Petition under 37 CFR 1.181

Applicant filed a petition to withdraw the holding of abandonment on December 12, 2012, and in support of the petition provided that the Advisory Action action was returned as undeliverable because petitioner was living outside of the country at the time of mailing of the Advisory Action. Petitioner included a change of correspondence address with the December 12, 2012 petition.

January 13, 2012 Decision on petition

The petition was dismissed in a decision mailed January 13, 2012. The decision dismissing the petition informed applicant/petitioner that while Applicant had filed a reply to the final Office action; the reply failed to place the application in condition for allowance. The application became abandoned for failure to file "such complete and proper reply as the condition of the application may require." The failure to receive the advisory action prior to abandonment of the application does not warrant withdrawal of the holding of abandonment.

Applicant was also advised that the required reply to a final Office action must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that prima facie places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2).

The present renewed petition

Applicant files the present renewed petition and avers that the application should not have been abandoned because the Examiner allowed claim 2.

Applicable Law, Rules and MPEP

37 CFR 1.135, Abandonment for failure to reply within time period, provides that

> (a) If an applicant of a patent application fails to reply within the time period provided under § 1.134 and § 1.136, the application will become abandoned unless an Office action indicates otherwise.
> (b) Prosecution of an application to save it from abandonment pursuant to paragraph (a) of this section must include such complete and proper reply as the condition of *the application* may require. The admission of, or refusal to admit, any amendment after final rejection or any amendment not responsive to the last action, or any related proceedings, will not operate to save the application from abandonment. (Emphasis supplied).

MPEP 711.03(c)

Analysis/conclusion

Applicant is advised that it is the application that must be placed in condition for allowance. Here, claim 1 remained rejected as stated in the Advisory Action. Applicant failed to file a reply that placed *the application* in condition for allowance.

Alternate venue

Applicant is strongly urged to file a petition stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C.

§ 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in was "unavoidable." An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required 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 can not 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 revive under 37 CFR 1.137(b).

It is reiterated that the required reply to a final Office action 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).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Director for Patents
PO Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this petition 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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October 31, 2011

Donald W. Muirhead
Muirhead and Saturnelli, LLC
200 Friberg Parkway
Suite 1001
Westborough, MA 01581

Patent No: 7,910,887 B2
Application No: 12/380,596
Applicant: Michael D. G. Steigerwald
Issued: March 22, 2011
Title: **ELECTRON-BEAM DEVICE AND DETECTOR SYSTEM**

Request for Certificate of Correction:

Consideration has been given to your request for the issuance of a certificate of correction for the above- identified patent under the provisions of Rule 1.323.

Comparison of the printed patent in columns 6 and 10, lines 48 and42, with your request reveals there is no discrepancy

In view of the foregoing your request in these matters is hereby **denied**.

Further correspondence concerning this matter should be directed to Decisions and Certificate of Correction Branch.

/Virginia Tolbert/
Virginia Tolbert
For Mary Diggs, Supervisor
Decisions and Certificate of Correction
(571) 272-0460

vt

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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ILYA ZBOROVSKY
6 SCHOOLHOUSE WAY
DIX HILLS, NY 11746

MAILED
JUN 15 2011
OFFICE OF PETITIONS

In re Application of	:	
Ravil Nasyrov	:	
Application No. 12/380,658	:	DECISION ON PETITION
Filed: March 3, 2009	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 25, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **DISMISSED**.

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 identification received with the instant petition is illegible. This petition can not be granted until a statement by the applicant stating that he is 65 years of age, or more, or a legible identification is received.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300
ATTN: Office of Petitions

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.

The matter is being referred to the Technology Center Art Unit 1717 for action in its regular turn.

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
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/380,658	03/03/2009	RAVIL NASYROV		5431

7590 09/14/2011

I. Zborovsky
3 Courtyard Circle
Centerport, NY 11721

EXAMINER
TADESSE, YEWEBDAR T

ART UNIT	PAPER NUMBER
1717	

MAIL DATE	DELIVERY MODE
09/14/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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In re Application of	:	
Ravil Nasyrov	:	
Application No. 12/380,658	:	DECISION ON PETITION
Filed: March 3, 2009	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 25, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **DISMISSED**.

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.

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The matter is being referred to the Technology Center Art Unit 1717 for action in its regular turn.

Irvin Dingle
Petitions Examiner
Office of Petitions

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I Zborovsky
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Centerport, NY 11721

MAILED

OCT 3 1 2011

OFFICE OF PETITIONS

In re Application of
Ravil Nasyrov
Application No. 12/380,658
Filed: March 3, 2009
Attorney Docket No.

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the renewed petition under 37 CFR 1.102(c)(1), filed October 17, 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 a registered practitioner that he has evidence that inventor Ravil Nasyrov 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.

The matter is being referred to the Technology Center Art Unit 1717 for action on the merits commensurate with this decision.

Irvin Dingle
Petitions Examiner
Office of Petitions